

Exhibit 9

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

EVAN MILLIGAN, et al.,)
) CIVIL CASE NO.
Plaintiffs,) 2:21-CV-01530-AMM
VS.) VIDEO DEPOSITION OF:
JOHN MERRILL, et al.,) RANDY HINAMAN
)
Defendants.)

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED, by and
between the parties through their respective
counsel, that the deposition of:

RANDY HINAMAN,
may be taken before LeAnn Maroney, Notary Public,
State at Large, at the law offices of Balch &
Bingham, 105 Tallapoosa Street, Montgomery,
Alabama, 36104, on December 9, 2021, commencing at
9:13 a.m.

Randy Hinaman

December 09, 2021

Page 2		Page 4
1	IT IS FURTHER STIPULATED AND AGREED that	1 DAVIN M. ROSBOROUGH (Via Zoom)
2	the signature to and reading of the deposition by	2 JULIE A. EBENSTEIN
3	the witness is waived, the deposition to have the	3 Attorneys at Law
4	same force and effect as if full compliance had	4 American Civil Liberties Union Foundation
5	been had with all laws and rules of Court relating	5 125 Broad Street
6	to the taking of depositions.	6 New York, New York 10004
7		7 drosborough@aclu.org
8	IT IS FURTHER STIPULATED AND AGREED that	8
9	it shall not be necessary for any objections to be	9 LaTISHA GOTELL FAULKS (Via Zoom)
10	made by counsel to any questions, except as to form	10 Attorney at Law
11	or leading questions, and that counsel for the	11 American Civil Liberties Union of Alabama
12	parties may make objections and assign grounds at	12 P.O. Box 6179
13	the time of the trial, or at the time said	13 Montgomery, Alabama 36106
14	deposition is offered in evidence, or prior	14 tgfaulks@aclualabama.org
15	thereto.	15
16		16 FOR THE SINGLETON PLAINTIFFS: (Via Zoom)
17		17 JAMES URIAH BLACKSHER
18	***	18 Attorney at Law
19		19 825 Linwood Road
20		20 Birmingham, Alabama 35222
21		21 jublackshe@gmail.com
22		22
23		23
24		24
25		25
Page 3		Page 5
1	A P P E A R A N C E S	1 MYRON C. PENN
2		2 Attorney at Law
3	FOR THE MILLIGAN PLAINTIFFS:	3 Penn & Seaborn
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5	Attorney at Law	5 Montgomery, Alabama 36117
6	Hogan Lovells US LLP	6 myronpenn28@hotmail.com
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8	Los Angeles, California 90067	8 ELI J. HARE
9	michael.turrill@hoganlovells.com	9 Attorney at Law
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11	BLAYNE R. THOMPSON	11 420 20th Street North, Ste. 2525
12	Attorney at Law	12 Birmingham, Alabama 35203
13	Hogan Lovells US LLP	13 Ehare@dicelloselevitt.com
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15	Houston, Texas 77002	15 HENRY C. QUILEN (Via Zoom)
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17		17 Whatley Kallas, LLP
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21	700 14th Street N.W., Ste. 600	21
22	Washington, DC 20005	22
23	dross@naacpldf.org	23
24		24
25		25

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	Page 6	Page 8
1 FOR THE CASTER PLAINTIFFS: (Via Zoom)		
2 LALI MADDURI		1 (5-5-21 Reapportionment Committee
3 Attorney at Law		2 Redistricting Guidelines)
4 Elias Law Group		3 Plaintiff's Exhibit 8 - 160
5 10 G Street NE, Ste. 600		4 (District 1-7 maps, RC 000556-562)
6 Washington, DC 20002		5 Plaintiff's Exhibit 9 - 179
7 lmadduri@elias.law		6 (List of 2021 congressional plans)
8		7 Plaintiff's Exhibit 10 - 201
9 FOR DEFENDANT JOHN H. MERRILL:		8 (State of AL v. US Department of Commerce
10 JIM DAVIS		9 Introduction)
11 Assistant Attorney General		10 Plaintiff's Exhibit 11 - 203
12 Office of the Attorney General		11 (9-1-21 public hearing transcript excerpt)
13 501 Washington Avenue		12 Plaintiff's Exhibit 12 - 208
14 Montgomery, Alabama 36130		13 (Whole County Plan)
15 jimdavis@alabamaag.gov		14 Plaintiff's Exhibit 13 - 213
16		15 (Tuscaloosa and Montgomery Whole)
17 FOR THE DEFENDANTS JIM McCLENDON & CHRIS PRINGLE:		16 Plaintiff's Exhibit 14 - 213
18 DORMAN WALKER		17 (Data table)
19 Attorney at Law		18
20 Balch & Bingham		19
21 105 Tallapoosa Street, Ste. 200		20
22 Montgomery, Alabama 36104		21
23 dwalker@balch.com		22
24		23
25		24
		25
1 ALSO PRESENT:	Page 7	Page 9
2 Paige Ali, Videographer		1 I, LeAnn Maroney, a Court Reporter of
3 Elizabeth Baggett		2 Birmingham, Alabama, and a Notary Public for the
4		3 State of Alabama at Large, acting as commissioner,
5		4 certify that on this date, pursuant to the Federal
6 I N D E X		5 Rules of Civil Procedure and the foregoing
7 MR. THOMPSON: 11-197		6 stipulation of counsel, there came before me on
8 MR. BLACKSHER: 197-229		7 December 9, 2021, RANDY HINAMAN, witness in the
9		8 above cause, for oral examination, whereupon the
10		9 following proceedings were had:
11 E X H I B I T L I S T	PAGE	10 * * * * *
12		11 THE VIDEOGRAPHER: This marks the
13 Plaintiff's Exhibit 1 -	14	12 beginning of the deposition of Randy Hinaman in the
14 (Depo notice)		13 matter of Evan Milligan, et al, versus John H.
15 Plaintiff's Exhibit 2 -	14	14 Merrill, et al., Civil Case Number 2:21-CV-01530-AMM
16 (Subpoena)		15 filed in the United States District Court for the
17 Plaintiff's Exhibit 3 -	21	16 Northern District of Alabama. The date is December
18 (CV)		17 9, 2021. The time is 9:13 a.m
19 Plaintiff's Exhibit 4 -	25	18 All attorneys present, will you please
20 (Declaration)		19 state your names and whom you represent.
21 Plaintiff's Exhibit 5 -	92	20 MR. HARE: Eli Hare on behalf of the
22 (2021 Alabama Congressional Plan, RC 000553)		21 Singleton plaintiffs.
23 Plaintiff's Exhibit 6 -	93	22 MR. DAVIS: Jim Davis for Secretary
24 (2011 Congressional Districts)		23 Merrill.
25 Plaintiff's Exhibit 7 -	135	24 MR. WALKER: Dorman Walker for the
		25 Committee Chairs, Senator Jim McClendon and

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<p style="text-align: right;">Page 10</p> <p>1 Representative Chris Pringle.</p> <p>2 MR. PENN: Myron Penn for the Singleton 3 plaintiffs.</p> <p>4 MR. TURRILL: Mike Turrill for the 5 Milligan plaintiffs.</p> <p>6 MR. THOMPSON: And Blain Thompson for 7 the Milligan plaintiffs.</p> <p>8 MR. BLACKSHER: And Jim Blacksher for 9 the Singleton plaintiffs. I'll be asking questions 10 virtually.</p> <p>11 MS. MADDURI: Lali Madduri for the 12 Caster plaintiffs.</p> <p>13 MR. QUILLEN: Henry Quillen for the 14 Singleton plaintiffs.</p> <p>15 MR. ROSS: Deuel Ross for the Milligan 16 plaintiffs.</p> <p>17 MR. ROSBOROUGH: Davin Rosborough for 18 the Milligan plaintiffs.</p> <p>19 MS. EBENSTEIN: Good morning. Julie 20 Ebenstein for the Milligan plaintiffs.</p> <p>21 MS. FAULKS: Good morning. Tish Faulks 22 for the Milligan plaintiffs.</p> <p>23 MS. BAGGETT: Good morning. It's 24 Elizabeth Baggett for the Milligan plaintiffs. I'm 25 a law clerk, not an attorney.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Is there anything that might prevent you 2 from understanding my questions or answering 3 truthfully today?</p> <p>4 A. No.</p> <p>5 Q. Are you being represented by a lawyer 6 today?</p> <p>7 A. Dorman Walker with the reapportionment 8 committee.</p> <p>9 Q. Are you paying Mr. Walker to be your 10 lawyer today?</p> <p>11 A. I am not.</p> <p>12 Q. Do you assume that plaintiffs or the 13 State of Alabama is paying Mr. Walker to be your 14 lawyer today?</p> <p>15 A. I do.</p> <p>16 Q. Have you ever been deposed before?</p> <p>17 A. I have.</p> <p>18 Q. How many times?</p> <p>19 A. Once. Once is all I remember, not 20 counting trial.</p> <p>21 Q. And was that in the ALBC versus the 22 State of Alabama lawsuit?</p> <p>23 A. Yes, sir.</p> <p>24 Q. All right. So I'll go over a few of the 25 key rules.</p>
<p style="text-align: right;">Page 11</p> <p>1 THE VIDEOGRAPHER: Court Reporter, will 2 you please swear in the witness.</p> <p>3 RANDY HINAMAN, 4 having been duly sworn, was examined and testified 5 as follows:</p> <p>6 THE REPORTER: Usual stipulations?</p> <p>7 MR. WALKER: The ones that we've just 8 discussed.</p> <p>9 MR. THOMPSON: Yes.</p> <p>10 Mr. Walker, did you want to say 11 something before we begin?</p> <p>12 MR. WALKER: Yes. I'd like to put on 13 the record that the committee chair, Senator Jim 14 McClendon, and Representative Chris Pringle have 15 asserted their legislative privilege and immunity in 16 this case. Of course, the Court has not yet ruled 17 on that. Thank you.</p> <p>18 EXAMINATION BY MR. THOMPSON:</p> <p>19 Q. Good morning, sir.</p> <p>20 A. Good morning.</p> <p>21 Q. Please state your name for the record.</p> <p>22 A. Randy Hinaman.</p> <p>23 Q. Mr. Hinaman, you understand that you're 24 testifying under oath right now?</p> <p>25 A. I do.</p>	<p style="text-align: right;">Page 13</p> <p>1 I think that last deposition was about 2 eight years ago. Is that correct?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay. So I'll be asking questions 5 today. And then after I'm done, there will be 6 several other people asking questions, as well.</p> <p>7 If you don't understand a question, just 8 let me know. Is that okay?</p> <p>9 A. Yes, sir.</p> <p>10 Q. If you answer a question, I will assume 11 that you understood it. Is that fair?</p> <p>12 A. Yes.</p> <p>13 Q. Also, as you can see, we have a court 14 reporter here who is doing an amazing job typing 15 everything that we say as we go. But it's very 16 important, because she's typing it, that we both 17 speak one at a time. So I'll do my best to wait 18 until you're done answering questions. And if you 19 can do the same, that will help her out a lot. Is 20 that all right?</p> <p>21 A. Yes.</p> <p>22 Q. And then we'll take a break about every 23 hour. If you need a break before then, just let us 24 know, and we can do that as long as there's not a 25 question pending. Fair?</p>

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1 A.	Very well.	1 Q.	Did you review any of the complaints in	
2		2 this lawsuit?		
3	(Plaintiff's Exhibits 1&2	3 A.	No, I didn't.	
4	were marked for identification.)	4 Q.	Did you review any maps?	
5		5 A.	Yeah. I looked -- I looked at the	
6 Q.	I'm handing you what's been marked as	6 current -- the map that was passed. And I also		
7 Exhibit 1 and Exhibit 2.		7 looked briefly at some of the other maps that were		
8	MR. THOMPSON: I've got copies for	8 offered to the legislature.		
9 everyone else to the extent you would like one.		9 Q.	Which other maps did you look at?	
10 Q.	This is a copy of the deposition notice	10 A.	The Singleton --	
11 and subpoena.		11	MR. BLACKSHER: Randy needs to speak up	
12 MR. WALKER: Which one is which?		12 a little bit, please.		
13 MR. THOMPSON: Exhibit 1 is the notice.		13	THE WITNESS: Sure.	
14 MR. WALKER: Okay.		14 A.	The Singleton maps, the Coleman map, and	
15 MR. THOMPSON: And Exhibit 2 is the		15 the Hatcher map, I believe.		
16 subpoena.		16 Q.	Had you reviewed those maps, any of	
17 MR. WALKER: Thanks.		17 those maps, before preparing for your deposition?		
18 Q.	Have you seen a copy of these documents	18	MR. WALKER: Objection to form.	
19 before today?		19 Q.	You mentioned that you reviewed several	
20 A.	I have.	20 of those maps in preparation for your deposition,		
21 Q.	Both of them?	21 correct?		
22 A.	Yes, sir.	22 A.	Correct.	
23 Q.	Who provided them to you?	23 Q.	Before then, had you reviewed any of	
24 A.	Dorman Walker.	24 those maps?		
25 Q.	And when was that?	25 A.	I looked at them when they were offered	
	Page 15		Page 17	
1 A.	The end of last week. Friday maybe.	1	on the floor of either -- whatever body they were	
2 Q.	All right. You can set those aside.	2	offered in.	
3	Without disclosing the content of any	3	Q.	Other than in preparation for your
4 discussions that you had with your attorneys, what		4	deposition last Monday and Tuesday, have you	
5 did you do to prepare for your deposition today?		5	discussed this lawsuit with anyone?	
6 A.	I met with Dorman Walker and Jim Davis	6 A.	No.	
7 and others and did some -- just reviewed numbers and		7 Q.	Did you do anything else to prepare for	
8 talked about the process we followed.		8	your deposition today?	
9 Q.	When did you meet with them?	9 A.	I did not.	
10 A.	Monday and Tuesday, Monday morning and	10 Q.	Are you being compensated by anyone for	
11 -- Monday afternoon really and Tuesday morning of		11	being here today?	
12 this week.		12 A.	I assume I am. I haven't -- I haven't	
13 Q.	About how long would you say you met	13	billed anybody yet. But I'm planning to.	
14 with them?		14 Q.	And who do you plan to bill for today?	
15 A.	I guess about four -- four or five hours	15 A.	The attorney general's office.	
16 on Monday. We also had lunch in there. And three		16 Q.	How much do you plan to bill the	
17 hours on Tuesday.		17	attorney general's office for your time today?	
18 Q.	Did you meet with anyone who was not an	18 A.	\$400 an hour.	
19 attorney?		19 Q.	Is that pursuant to some agreement that	
20 A.	No, I don't believe so.	20	you have with the attorney general's office?	
21 Q.	Did you review any documents in	21 A.	Well, we really haven't even discussed	
22 preparation for today?		22	it, honestly. I guess I'll send them the bill, and	
23 A.	I just reviewed some of the census	23	we'll see if they pay it.	
24 numbers and the guidelines, the committee		24 Q.	Fair enough.	
25 guidelines. That would be about it.		25	Similarly, do you expect to be	

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1	compensated in any way to testify at trial?	1	A. Yeah. In the middle of that, I was
2	A. I would assume the same arrangement.	2	offered a position with the Reagan campaign, which
3	Q. By the attorney general's office, as	3	was sort of my dream job to work for his
4	well?	4	presidential race. So I left to take on that
5	A. Yes.	5	responsibility for the national field director for
6	Q. All right. Taking a step back and just	6	the Reagan Youth Campaign.
7	talking about your background a little bit, can you	7	Q. How far along had you gotten in your
8	please state your date of birth?	8	studies when you left?
9	A. 5-5-57.	9	A. Two years.
10	Q. What's your address?	10	Q. Do you have any other -- excuse me. Do
11	A. 33267 River Road, Orange Beach, Alabama,	11	you have any educational certificates or anything
12	36561.	12	like that?
13	Q. Is that your full-time address now here	13	A. No.
14	in Alabama?	14	Q. Do you have any certain specializations
15	A. Yes, sir.	15	in anything?
16	Q. You previously lived in Virginia; is	16	A. No.
17	that correct?	17	Q. Mr. Hinaman, what do you do for a
18	A. That's correct.	18	living?
19	Q. When did you make that move?	19	A. I do political consulting and lobbying.
20	A. I bought this property about five years	20	Q. Where do you work?
21	ago. But I really technically moved probably about	21	A. I work for my own company out of my
22	three years ago.	22	residence in Orange Beach.
23	Q. Do you have a telephone number?	23	Q. What's the name of that company?
24	A. Just my cell phone.	24	A. R. Hinaman, LLC.
25	Q. What's that number?	25	Q. And what is your -- do you have a formal
	Page 19		Page 21
1	A. (703) 598-8383.	1	title within R. Hinaman, LLC?
2	Q. Do you have an email account?	2	A. I guess I would be the president of R.
3	A. I do.	3	Hinaman, LLC.
4	Q. What is that?	4	Q. Are there other employees of that
5	A. Sharh1@comcast.net.	5	company?
6	Q. Do you have any other email addresses?	6	A. There are not.
7	A. I do not.	7	Q. If you can, explain to me briefly what
8	Q. Have you ever been involved in any other	8	you do as a political consultant and lobbyist.
9	lawsuits?	9	A. Sure. On the political consulting
10	A. No. I mean, not as a witness or -- no.	10	front, I usually do -- I consult political
11	Q. What's the highest level of education	11	campaigns, usually on the federal level, mostly
12	you've completed?	12	congress, put together the campaign team for various
13	A. I attended Cornell University.	13	candidates to get elected to those offices.
14	Q. Was that for undergraduate?	14	On the lobbying side, which I'm doing
15	A. Yes.	15	less and less and less of, I did lobbying on the
16	Q. Did you graduate?	16	federal level for various companies and
17	A. I did not.	17	organizations.
18	Q. What did you study at Cornell?	18	
19	A. Political science. Really they called	19	(Plaintiff's Exhibit 3 was
20	it government.	20	marked for identification.)
21	MR. WALKER: Called it what?	21	
22	THE WITNESS: Government. Anywhere else	22	Q. I think I can short-circuit our
23	on earth, it would be political science.	23	discussion about your background a little bit here.
24	Q. And if you don't mind me asking, you	24	This is Exhibit 3.
25	said you did not graduate. Is there a reason why?	25	MR. THOMPSON: I can get you a copy, as

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<p style="text-align: right;">Page 22</p> <p>1 well, Mr. Walker.</p> <p>2 Q. And I'll state for the record that this</p> <p>3 is a copy of your resume that was shown to you in a</p> <p>4 prior deposition that you gave on June 25, 2013. I</p> <p>5 believe this was PX3 in that deposition.</p> <p>6 Do you recognize this document?</p> <p>7 A. I do.</p> <p>8 Q. Does this appear to be a true and</p> <p>9 correct copy of your resume as of June 25, 2013?</p> <p>10 A. It does.</p> <p>11 Q. Is this resume up to date?</p> <p>12 A. It is not.</p> <p>13 Q. What has changed?</p> <p>14 A. Well, technically, the name of my</p> <p>15 company changed because I moved from Virginia to</p> <p>16 Alabama. Obviously, my address has changed, again</p> <p>17 because of moving. Obviously, I've had some</p> <p>18 additional clients since 2013.</p> <p>19 Q. Who have your additional clients been?</p> <p>20 A. I was afraid you would ask me that.</p> <p>21 Congressman Ben Cline, I did his</p> <p>22 campaign to replace Bob Goodlatte who retired in</p> <p>23 2018. Let's see. The American Dental Association</p> <p>24 is on there.</p> <p>25 That's the major one. I can't say there</p>	<p style="text-align: right;">Page 24</p> <p>1 of staff at one point and then his consultant in</p> <p>2 Alabama, and helped draw a map in 1992 which was</p> <p>3 then put into practice by a federal court.</p> <p>4 Q. Anything beyond that?</p> <p>5 A. No. I mean, I assisted the majority</p> <p>6 leader of the Virginia senate in some of his efforts</p> <p>7 on redistricting ten years ago. Actually, it was</p> <p>8 more like 20 years ago. But I wasn't really the</p> <p>9 lead on it. I was just assisting his office.</p> <p>10 Q. Outside of Alabama and Virginia, have</p> <p>11 you ever worked in redistricting for any other</p> <p>12 states?</p> <p>13 A. I have not.</p> <p>14 Q. How did you get involved in drawing maps</p> <p>15 originally?</p> <p>16 A. Well, my first effort, I guess, was way</p> <p>17 back in 1992 when the legislature failed to draw a</p> <p>18 map for congress in Alabama. I was working for</p> <p>19 Congressman Callahan. And with him and some of the</p> <p>20 other members of the delegation, we decided that we</p> <p>21 needed to file a lawsuit to remedy that situation.</p> <p>22 And so I helped produce a map that was filed with</p> <p>23 that lawsuit. That was my first endeavor.</p> <p>24 Q. Had you ever drawn a map before then?</p> <p>25 A. I had not.</p>
<p style="text-align: right;">Page 23</p> <p>1 wasn't another campaign in there.</p> <p>2 Q. On here, it says that your company name</p> <p>3 is Hinaman & Company, Inc. Did that change at some</p> <p>4 point?</p> <p>5 A. Yeah, when I moved. That was an LLC in</p> <p>6 Virginia. And when I moved to Alabama, I formed a</p> <p>7 new LLC.</p> <p>8 Q. And when was that?</p> <p>9 A. Again, approximately about three years</p> <p>10 ago.</p> <p>11 Q. Does a more current version of your</p> <p>12 resume exist anywhere?</p> <p>13 A. Yeah, I'm sure it does.</p> <p>14 Q. Is that something that you could produce</p> <p>15 in this case if you were asked to?</p> <p>16 A. Yes.</p> <p>17 Q. What experience do you have working with</p> <p>18 redistricting?</p> <p>19 A. Obviously, I drew three of the four maps</p> <p>20 for Alabama ten years ago, 2011, 2012. I drew the</p> <p>21 congressional maps and the two legislative maps. I</p> <p>22 also worked for the republican congressmen in</p> <p>23 Virginia to draw their map in 2012.</p> <p>24 And before that, I worked with</p> <p>25 Congressman Callahan, who was my -- I was his chief</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. So how did they come about saying,</p> <p>2 "Randy, we want you to draw this map"?</p> <p>3 A. I guess we drew straws and I lost.</p> <p>4 Q. Fair enough.</p> <p>5</p> <p>6 (Plaintiff's Exhibit 4 was</p> <p>7 marked for identification.)</p> <p>8</p> <p>9 Q. I'm going to hand you another exhibit</p> <p>10 here. This is being marked as Plaintiff's Exhibit</p> <p>11 4. This is also from the ALBC versus Alabama</p> <p>12 lawsuit. This is a declaration that was signed by</p> <p>13 you.</p> <p>14 And you can see at the top there,</p> <p>15 there's a date that says this was filed on June 17,</p> <p>16 2013, in the Alabama Legislative Black Caucus for</p> <p>17 the State of Alabama lawsuit. Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. Do you recognize this document?</p> <p>20 A. Not particularly.</p> <p>21 Q. If you can, flip to Page 7. Do you see</p> <p>22 there's a signature?</p> <p>23 A. Yes.</p> <p>24 Q. And your name?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 26</p> <p>1 Q. Does that appear to be your signature?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Does this appear to be a true and</p> <p>4 correct copy of your declaration?</p> <p>5 A. Again, it doesn't ring a bell. But I</p> <p>6 have no reason to believe it isn't.</p> <p>7 Q. Take a look at paragraph two. It</p> <p>8 states, "I have substantial experience in drafting</p> <p>9 redistricting plans in Alabama, including drawing</p> <p>10 the congressional plan adopted by the three-judge</p> <p>11 federal district court in Mobile in 1992 and work on</p> <p>12 the 2011 congressional plan." Excuse me. "And work</p> <p>13 on the 2001 congressional plan. In 2011, I</p> <p>14 developed the redistricting plan for the Alabama</p> <p>15 congressional delegation. In that work, I worked</p> <p>16 within the guidelines for redistricting adopted by</p> <p>17 the reapportionment committee."</p> <p>18 Do you see that?</p> <p>19 A. I do.</p> <p>20 Q. Is that an accurate description of your</p> <p>21 experience in drafting redistricting plans in</p> <p>22 Alabama?</p> <p>23 A. It is. I mean, I don't know what that</p> <p>24 -- the sentence on 2001, I did not draft the 2001</p> <p>25 plans. But I did work with the leaders in the</p>	<p style="text-align: right;">Page 28</p> <p>1 it.</p> <p>2 Q. What's your understanding?</p> <p>3 A. Well, it was essentially a continuation</p> <p>4 of the 1992 map, just updated for the most part for</p> <p>5 population shift.</p> <p>6 Q. And you said you were working with the</p> <p>7 republican legislators?</p> <p>8 A. I was working with Congressman Callahan</p> <p>9 at that point.</p> <p>10 Q. Did you have any role whatsoever in</p> <p>11 drawing that map in 2001?</p> <p>12 A. I had no official role other than I was</p> <p>13 working with the leaders -- the democratic leaders</p> <p>14 who were working on that map. I would occasionally,</p> <p>15 you know, talk to them about the changes that were</p> <p>16 made, and for especially Congressman Callahan's</p> <p>17 district. But I didn't -- I didn't have control of</p> <p>18 the process, if that makes any sense.</p> <p>19 Q. Do you know who did draw the map?</p> <p>20 A. Senator Enfinger, I believe.</p> <p>21 Q. Did he --</p> <p>22 A. Well, that's who the -- he was the -- I</p> <p>23 don't know who he hired. That's who I interfaced</p> <p>24 with. Let's put it that way.</p> <p>25 Q. Understood. That was going to be my</p>
<p style="text-align: right;">Page 27</p> <p>1 legislature who did draft those plans. I didn't</p> <p>2 want it to imply that I drew those maps. I don't</p> <p>3 know that it does imply that.</p> <p>4 Q. Okay. Well, let's go to the first part</p> <p>5 there where you said that you -- your experience did</p> <p>6 include drawing the congressional plan adopted in</p> <p>7 1992. Does that mean that you did draw that map?</p> <p>8 A. I did, yes.</p> <p>9 Q. Is that the map that was used for the</p> <p>10 Alabama congressional elections in the '90s?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Did that map serve as the starting</p> <p>13 point, then, for the congressional map that was</p> <p>14 drafted for 2001?</p> <p>15 A. I didn't draw that map.</p> <p>16 Q. You said you worked on drawing that map.</p> <p>17 What does that mean?</p> <p>18 A. The legislature at that time was</p> <p>19 controlled by the democrats, and I was representing</p> <p>20 some republican Congressman in just interacting with</p> <p>21 them. But they -- they drew the map. I was just</p> <p>22 trying to give our point of view to it.</p> <p>23 Q. Are you familiar at all with how that</p> <p>24 map was drawn in 2001?</p> <p>25 A. Vaguely, but not -- not the specifics of</p>	<p style="text-align: right;">Page 29</p> <p>1 next question.</p> <p>2 You said you spoke to several members of</p> <p>3 the legislature. Do you remember who you spoke to?</p> <p>4 A. In 2001?</p> <p>5 Q. Yes.</p> <p>6 A. My primary -- my primary interface on</p> <p>7 that map was Senator Enfinger.</p> <p>8 Q. When you spoke with Senator Enfinger,</p> <p>9 did you provide any sort of input or recommendations</p> <p>10 about how the map should be drawn?</p> <p>11 A. Only as to how -- he had a draft, I</p> <p>12 believe, and was talking about the changes he wanted</p> <p>13 to make in various districts. And my primary focus</p> <p>14 was the first district because I was working for</p> <p>15 Congressman Callahan.</p> <p>16 So he had come with some suggestions,</p> <p>17 and we just talked about those. They were not -- I</p> <p>18 don't think I had any tremendously substantive</p> <p>19 changes to recommend. So I think it was pretty much</p> <p>20 what he had drawn, we were comfortable with.</p> <p>21 Q. Did you provide any other sort of</p> <p>22 feedback in drawing the 2001 congressional map</p> <p>23 beyond what you just mentioned with District 1?</p> <p>24 A. I did not.</p> <p>25 Q. Do you know if it was a goal in the 2001</p>

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<p style="text-align: right;">Page 30</p> <p>1 congressional map to make sure that District 7 2 remained a majority black district? 3 A. I do not. 4 Q. Do you know if it was considered in 2001 5 to draw two majority black districts? 6 A. I do not, no. 7 Q. Let's go back to the 1992 congressional 8 map. Because you said you did draw that one, 9 correct? 10 A. Yes, sir. 11 Q. The 1992 congressional map created the 12 first majority black congressional district in 13 Alabama history; is that correct? 14 A. I believe so, yes. 15 Q. And you said you drafted that map? 16 A. I did. 17 Q. So you drafted District 7 as it stood in 18 1992? 19 A. Yes, sir. 20 Q. Who asked you to draw that map? 21 A. I was working for Congressman Callahan 22 and some of the other members of the Alabama 23 delegation. 24 Q. Did you work with Senator Larry Dixon in 25 drafting the map?</p>	<p style="text-align: right;">Page 32</p> <p>1 A. No, sir. 2 Q. Did you draw District 7 with the intent 3 to make it a majority black district? 4 A. I did. 5 Q. How did you make sure that District 7 6 would have a majority black voting age population? 7 A. I just included areas of high 8 concentration of African American voters. 9 Q. How did you do that? 10 A. By assigning counties and precincts that 11 fit that definition. 12 Q. Did you have a particular percentage of 13 black voters that you were shooting for? 14 A. I did not. 15 Q. How did you go about choosing District 7 16 to be the district that has the majority black 17 voting age population? 18 A. I don't -- I mean, I think it was a 19 function of geography, I mean, where areas with 20 concentration of black voters were. 21 Q. And how did you gather that information? 22 A. Census data. 23 Q. What specifically? 24 A. Just the census data from the -- related 25 to population and race.</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Probably, yes. 2 I will point out that this was 30 years 3 ago. So if you ask me a specific question, it's 4 probably going to be hard for me to answer. 5 Q. Understood. 6 Do you remember any other legislators 7 that you worked with directly in drafting the 1992 8 map? 9 A. I do not. As you know, the legislature 10 did not ultimately pass a map. So we went -- it was 11 a court action that imposed this map. 12 Q. Were you asked to create a majority 13 black district in drawing the 1992 map? 14 A. I guess -- I guess I was, yeah. 15 Q. Who asked you to do that? 16 A. I think the -- well, Congressman 17 Callahan and the delegation probably in concert with 18 the NRCC. 19 Q. Do you know why you were asked to do 20 that? 21 A. At the time, I believe they thought that 22 was the proper thing to do under the Voting Rights 23 Act. 24 Q. Did you receive any instructions from 25 the court?</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. So when you were drawing it, you were 2 able to pull up and see black voters, white voters 3 in different areas? 4 A. Yes. 5 MR. WALKER: Objection to form. 6 Q. How did you see that information when 7 you were drawing the map in 1992? 8 A. I'm not sure I understand your question. 9 Q. Did you use a software to draw the map 10 in 1992? 11 A. As I remember -- again, it was 30 years 12 ago -- I believe I used the computers at the Alabama 13 reapportionment office to draw the map. So I don't 14 know what their software was, to be honest with you. 15 Q. What specific racial data did you have 16 in front of you when you were drawing that map? 17 A. I would have total pop, total African -- 18 total black, and voting age data. 19 Q. Was that broken down by county, 20 precinct, neighborhood, block? 21 A. County, precinct, block, yes. Yes, sir. 22 Q. And I realize it was 30 years ago. How 23 did you go about drawing District 7 in 1992? 24 A. Again, it was 30 years ago. I don't 25 remember the machinations that went into drawing the</p>

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1 map.		1 race?	
2 Q. Did you have in your mind a certain		2 A. Other than geography and deviation.	
3 black voting age population that you were shooting		3 Those would be the top -- obviously, things had to	
4 for?		4 be contiguous.	
5 A. No.		5 Q. If District 7 did not have a majority	
6 Q. So you just drew general lines and you		6 black population, would it have passed?	
7 found that it came to a certain percentage of black		7 A. Passed what?	
8 voting age population, and you thought that was		8 Q. Would it have been approved?	
9 good?		9 A. You're asking me to question what three	
10 A. Obviously, I was -- I had in my mind		10 federal judges would approve?	
11 that we wanted it to be majority black district.		11 Q. You were asked to draw a map that had a	
12 But in terms of above 50 percent, I didn't have a		12 majority black district, correct?	
13 specific number in mind.		13 A. Yes.	
14 Q. Did you take into account any other		14 Q. If you had turned in a map that did not	
15 characteristics of the black voting age population		15 have a majority black district, would you have done	
16 that you were looking at when you drew that map in		16 what you were asked to do?	
17 1992?		17 A. You mean turned into Congressman	
18 A. Such as?		18 Callahan?	
19 Q. For instance, did you look at any		19 Q. Correct.	
20 socioeconomic factors?		20 A. No. I think our goal was to draw a	
21 A. I did not.		21 majority black district.	
22 Q. Did you look at attitudes?		22 Q. Why did you draw only one majority black	
23 A. I did not.		23 district?	
24 Q. Interests?		24 A. That was our -- that was our goal, to	
25 A. (Witness shakes head).		25 draw a district.	
	Page 35		Page 37
1 Q. Type of employment?		1 Q. Your goal was to draw only one district?	
2 A. I did not.		2 A. Well, I'm not sure at that -- I don't	
3 Q. Income?		3 remember the numbers exactly. I'm not sure -- I'm	
4 A. I did not.		4 not sure whether it would have been possible to draw	
5 Q. Educational level?		5 two or not. I don't know that it would have.	
6 A. No.		6 Q. Did you consider drawing two majority	
7 Q. Voter turnout?		7 black districts?	
8 A. No.		8 A. I did not.	
9 Q. Election results to assess party		9 Q. Did anyone suggest to you to draw that?	
10 affiliation amongst the black voting age population?		10 A. They did not.	
11 A. No, I don't believe so.		11 Q. Did you review or comment on any other	
12 Q. When you drew District 7 in 1992, did		12 maps that contained two majority black districts at	
13 you determine that to be a community of interest?		13 the time?	
14 A. Yeah. Well, I think it included most of		14 A. I don't --	
15 the black belt. I would say they had a community of		15 MR. WALKER: Objection to form.	
16 interest along -- yeah. So yes.		16 A. I don't remember seeing any majority two	
17 Q. And what was the basis for that		17 district maps.	
18 determination?		18 Q. Did you consider race in drawing any of	
19 A. Well, geography and like demographics.		19 the other districts in 1992?	
20 Q. And race?		20 A. I did not. I mean, other than -- I did	
21 A. And race.		21 not, no.	
22 Q. Was race the main factor you considered		22 Q. Skipping ahead to the 2011 congressional	
23 in drawing District 7?		23 map. You also drew that map, correct?	
24 A. It was a major factor.		24 A. Yes. But may I go back just one?	
25 Q. Was there a more predominant factor than		25 Q. Sure.	

<p style="text-align: right;">Page 38</p> <p>1 A. Obviously, we drew this map -- I drew 2 this map, and it was submitted in a lawsuit. I had 3 no idea what would happen to it from there. So it's 4 not like I -- you know, I didn't know whether the 5 judges would change it or what would happen.</p> <p>6 Q. That's a good point. Did the judges 7 change it after you submitted it?</p> <p>8 A. I don't -- no, I don't believe they did. 9 Sorry. Go ahead.</p> <p>10 Q. So you stated that you also drew the 11 2011 congressional map, correct?</p> <p>12 A. Yes, sir.</p> <p>13 Q. That one is a little bit more recent, 14 ten years ago. Do you recall the general method 15 that you used in drawing that map?</p> <p>16 A. Yeah. I mean, essentially it was 17 updating the 2001 map based on demographic changes 18 that had happened over the last ten years and 19 working with the -- all of the -- I was hired by all 20 of the members to update the map and submit a -- 21 submit a map to the legislature for approval.</p> <p>22 Q. So correct me if I'm wrong. But 23 generally when you're drawing these maps, it's more 24 of a redrawing than a drawing from scratch. Is that 25 fair to say?</p>	<p style="text-align: right;">Page 40</p> <p>1 probably used the 1992 map in drawing the 2001 map?</p> <p>2 A. That's an -- a fair assumption, I guess.</p> <p>3 Q. And the 2011 map then that you drew used 4 the 2001 map as its starting point?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And then the 2021 map that you drew used 7 the 2011 map as its starting point?</p> <p>8 A. Yes, sir.</p> <p>9 Q. In drawing the 2011 congressional map, 10 did you speak to members of congress?</p> <p>11 A. I spoke to all of them, yes, sir.</p> <p>12 Q. All seven of the incumbents?</p> <p>13 A. Yes.</p> <p>14 Q. And what did you speak to them about?</p> <p>15 A. We're talking about 2011?</p> <p>16 Q. Correct.</p> <p>17 A. I spoke to them about the over and under 18 nature of their districts, whether they needed to 19 gain population or lose population. And based on 20 that, where they would like to gain or where they 21 would like to -- where they would be -- you know, 22 like to lose.</p> <p>23 And I tried to work with adjacent 24 districts to make sure that if person X wanted to 25 give up this county, that the other person would be</p>
<p style="text-align: right;">Page 39</p> <p>1 A. That is fair to say.</p> <p>2 Q. So the general process is that you will 3 use the existing map from the prior census data and 4 update it with the new census data, correct?</p> <p>5 A. That's correct. And obviously, whether 6 it's a congressional map or any other maps, you have 7 officeholders who have an interest in, for the most 8 part, keeping the voters that they've had for the 9 last ten years. So, most of them would not go into 10 a redistricting process looking for wholesale 11 change.</p> <p>12 Q. So the 2021 map, for instance, can be 13 traced back to the 2011 map, the 2001 map, and the 14 1992 map in that order, correct?</p> <p>15 A. Yeah. Preserving cores of existing 16 districts was a guideline for the 2021 map.</p> <p>17 Q. For instance, the 2001 map used the 1992 18 map as a starting point, true?</p> <p>19 A. I didn't draw that map.</p> <p>20 Q. Do you have any other understanding of 21 how that map was drawn?</p> <p>22 A. I mean, if you look at it, it looks like 23 it was continuing that map, yes. But I didn't -- 24 the democratic legislature drew that map.</p> <p>25 Q. Is it a fair assumption to say that they</p>	<p style="text-align: right;">Page 41</p> <p>1 amenable to taking it. So I tried to negotiate a 2 map that everybody was happy with.</p> <p>3 Q. Did you consult the state's 4 redistricting criteria in drawing that map?</p> <p>5 A. I did.</p> <p>6 Q. Did you review election returns in 7 drawing that map?</p> <p>8 A. They were part of it, yes.</p> <p>9 Q. What data did you have on that?</p> <p>10 A. I don't remember if all their races were 11 in there. But I had the latest last three or four 12 state-wide races that were available.</p> <p>13 Q. And how did you use that information?</p> <p>14 A. I didn't use it all that much. It was a 15 common -- you know, a common question from a member 16 might be, you know, what did the governor get in my 17 district? And if we make this change -- or what did 18 whomever ran for president in the race before that, 19 whoever that was.</p> <p>20 But I didn't use it so much in drawing 21 the map. It was more of confirming to them that 22 their district was going to perform similarly to how 23 the previous district had performed electorally.</p> <p>24 Q. Did that data give you information on 25 party affiliation?</p>

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<p style="text-align: right;">Page 42</p> <p>1 A. I don't believe so. I think it was just 2 election returns.</p> <p>3 Q. Was that aggregate election returns? Or 4 was that by individual counties or precincts? Does 5 that make sense?</p> <p>6 A. Yeah. It was precinct-based. But then 7 it was aggregate for counties and then for the 8 districts.</p> <p>9 Q. You can look at all of that?</p> <p>10 A. Yes.</p> <p>11 Q. Understood.</p> <p>12 Did you look at any racial polarization 13 data in drawing the 2011 map?</p> <p>14 A. I did not.</p> <p>15 Q. Did you look at any other voter behavior 16 data?</p> <p>17 A. I did not.</p> <p>18 Q. Was it a goal in drafting the 2011 19 congressional map to make sure that District 7 20 remained a majority black district?</p> <p>21 (Zoom interruption.)</p> <p>22 A. What is that?</p> <p>23 Q. It sounds like we might have a singer.</p> <p>24 MR. TURRILL: Someone is off on mute on 25 the line there.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Their campaigns, yes.</p> <p>2 Q. Was that the extent of the verbal 3 agreement?</p> <p>4 A. It was.</p> <p>5 Q. Was it a goal in drafting that 2011 6 congressional map to make sure that District 7 kept 7 a 60 percent black voting age population?</p> <p>8 A. No.</p> <p>9 Q. Was there any sort of specific black 10 voting age population percentage that you were 11 shooting for?</p> <p>12 A. No.</p> <p>13 Q. Were you successful in making sure that 14 District 7 remained a majority black district?</p> <p>15 A. We were.</p> <p>16 Q. How did you make sure of that?</p> <p>17 A. By whatever -- you know, whatever -- and 18 I don't even remember the various counties ten years 19 ago. If you handed me a map, I could probably tell 20 you.</p> <p>21 But by what we added county and 22 precinct-wise to make sure it did not dramatically 23 alter the makeup of the district.</p> <p>24 Q. Explain that to me a little bit further. 25 So what changes were you making in 2011?</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. I think we're good now.</p> <p>2 A. Can you ask -- I'm sorry. Can you ask 3 that again?</p> <p>4 Q. No problem.</p> <p>5 Was it a goal in drafting the 2011 6 congressional map to make sure that District 7 7 remained a majority black district?</p> <p>8 A. Yeah. Obviously, Congresswoman Sewell 9 was one of my -- one of my clients for that map. 10 And she wanted to maintain her majority black 11 district, yes.</p> <p>12 Q. When you say that she was one of your 13 clients, what do you mean?</p> <p>14 A. She was one of the members of congress 15 who paid me to draw the map.</p> <p>16 Q. Did you have a contract with those 17 members of congress?</p> <p>18 A. Verbally.</p> <p>19 Q. You didn't have a written contract?</p> <p>20 A. No.</p> <p>21 Q. What was the verbal contract?</p> <p>22 A. That they would all put in \$10,000 to 23 draw -- each to draw -- pay me to draw this map.</p> <p>24 Q. That each individual congressman or 25 woman would put in \$10,000?</p>	<p style="text-align: right;">Page 45</p> <p>1 A. Again, I don't even know how much -- I'm 2 going to hazard a guess that District 7 was 3 underpopulated in 2011. I don't remember the exact 4 numbers. It was ten years ago.</p> <p>5 But I'm going to guess that it was 6 underpopulated. And so then the discussion with 7 Congresswoman Sewell would be, you know, where -- 8 what areas would we add to your district to get your 9 district to ideal population.</p> <p>10 And, obviously, in looking at those 11 areas, we, you know, wanted to make sure that we 12 preserved the majority black district.</p> <p>13 Q. I know some of this was discussed in 14 your deposition eight years ago. So I'll try not to 15 tread the same water too much.</p> <p>16 But explain to me just a little bit 17 about the process when you were drawing the 2011 18 congressional map. So did you start with District 19 7?</p> <p>20 A. I probably did start with District 7. I 21 don't really remember, to be honest with you. I 22 mean, I -- you know, I was meeting -- I met with the 23 entire delegation to start. And then we went from 24 there.</p> <p>25 But preserving Congresswoman Sewell's</p>

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<p style="text-align: right;">Page 46</p> <p>1 majority black district was a priority for the 2 delegation.</p> <p>3 Q. And that was the priority for you, as 4 well?</p> <p>5 A. Yes.</p> <p>6 Q. Do you remember generally what sort of 7 changes you made to District 7 in 2011?</p> <p>8 A. I really don't. I mean, I apologize. 9 But I did so many maps and plans in the last ten 10 years that I don't.</p> <p>11 Q. What other maps and plans have you done 12 in the last ten years?</p> <p>13 A. Well, we just did four in the last 14 couple of months.</p> <p>15 Q. Anything else?</p> <p>16 A. Those are the ones that are mostly stuck 17 in my brain.</p> <p>18 Q. Are there any others?</p> <p>19 A. No.</p> <p>20 MR. WALKER: What was the question 21 again?</p> <p>22 MR. THOMPSON: He said there were so 23 many maps that he had drawn in the last ten years. 24 And I asked him which ones, and he said just the 25 four that he just did.</p>	<p style="text-align: right;">Page 48</p> <p>1 A. I looked at --</p> <p>2 MR. WALKER: And you're talking about --</p> <p>3 Q. We're talking about 2021 now. Did you 4 review all the maps that were offered in the 5 legislature in 2021?</p> <p>6 A. Yes, I tried to. Some of -- some of 7 that may have been a very short review because some 8 of those maps were literally submitted 24 hours 9 before they were offered either on the floor or at 10 committee. So it's not like it was a long review.</p> <p>11 Q. One more question going back to the 2011 12 congressional map. Did you consider race -- excuse 13 me. A couple more questions, to be fair.</p> <p>14 Did you consider race in drawing any of 15 the other districts other than District 7 in 2011?</p> <p>16 MR. WALKER: Congressional.</p> <p>17 Q. The congressional map in 2011.</p> <p>18 A. Not specifically. I mean, I'm not sure 19 I know what "consider" means. But, obviously, all 20 that information was available on each district.</p> <p>21 But --</p> <p>22 Q. Did you review the racial data for each 23 district when you were drawing the 2011 24 congressional map?</p> <p>25 A. As a matter of course, yeah. I mean,</p>
<p style="text-align: right;">Page 47</p> <p>1 A. Well, "drawn" is -- we could find the 2 exact number. But I think in this last legislative 3 session, there were something like 41 various maps 4 and plans that were submitted to the legislature. 5 So while I certainly didn't draw most of those, I 6 did look at them.</p> <p>7 So to ask me to go back ten years, it's 8 hard to -- when you have some 41 pieces of 41 maps 9 in your head, it's hard to expand back ten years.</p> <p>10 Q. So you reviewed all 41 maps that were 11 submitted?</p> <p>12 A. I didn't review them all, but I looked 13 at most of them.</p> <p>14 Q. What's the difference between looking at 15 them and reviewing them?</p> <p>16 A. Well, reviewing them would take more 17 time. Looking at them would be, okay, this is a -- 18 this is a house map or a senate map or whatever. I 19 just looked at the cover sheet and maybe the overall 20 numbers, but didn't review -- didn't -- some of them 21 were never offered, obviously. So if they weren't 22 offered, I didn't look at them more seriously than 23 that.</p> <p>24 Q. Did you review all of the maps that were 25 offered?</p>	<p style="text-align: right;">Page 49</p> <p>1 it's all there.</p> <p>2 Q. Explain that.</p> <p>3 A. Well, when you finish -- when you draw a 4 map, obviously, you've got seven districts. And 5 you're going to have -- if you look at the, you 6 know, top data for each district, it's going to have 7 race and voting age, black, so forth and so on for 8 each district. It's not like it just only comes up 9 on the majority black district. It would come up on 10 all of them, obviously.</p> <p>11 Q. Did you review that data for each 12 district?</p> <p>13 A. I looked at it.</p> <p>14 Q. What did that data tell you?</p> <p>15 A. Nothing specifically.</p> <p>16 Q. Did you do anything with that data?</p> <p>17 A. I did not.</p> <p>18 Q. Did you consider drawing two majority 19 black districts when you drew the 2011 congressional 20 map?</p> <p>21 A. I really did not.</p> <p>22 Q. Why not?</p> <p>23 A. Well, primarily because the people who 24 were paying me to draw these maps preferred the 25 districts similar to how they were.</p>

<p style="text-align: right;">Page 50</p> <p>1 Q. Did the people that were paying you to 2 draw the map prefer not to have a second majority 3 black district?</p> <p>4 A. I don't know about that. But they 5 preferred to have their districts as close to what 6 they had under that map going forward.</p> <p>7 Q. Did you discuss with anyone the 8 possibility of creating a second majority black 9 district?</p> <p>10 A. I don't believe so.</p> <p>11 Q. Were you aware of requests in the 12 legislature in 2011 to create a second majority 13 black district?</p> <p>14 A. Again, I don't have a -- I don't have a 15 complete recollection of ten years ago what maps 16 were offered or not offered on the -- I don't want 17 to guess on what was offered and what wasn't 18 offered.</p> <p>19 Q. Do you know if it would have been 20 possible to create a second majority black district 21 in 2011?</p> <p>22 MR. DAVIS: Object to the form.</p> <p>23 MR. WALKER: Objection. Go ahead.</p> <p>24 A. I did not do it. So I -- I don't have 25 an opinion on whether it was possible.</p>	<p style="text-align: right;">Page 52</p> <p>1 in drawing all four maps that they -- the 2 congressional, as well as the other maps that needed 3 to be drawn in this session.</p> <p>4 Q. And those four would be the 5 congressional, the house and senate for the state 6 legislature, and the board of education?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Did you agree to draw all four?</p> <p>9 A. I did.</p> <p>10 Q. When were you officially retained?</p> <p>11 A. Around that time, I would think. Like 12 maybe October of 2020.</p> <p>13 Q. And who officially retained you?</p> <p>14 A. Well, I was working for the two chairs 15 of the -- the house chair, Representative Pringle, 16 and the senate chair, Senator McClendon.</p> <p>17 Q. Did you sign a contract?</p> <p>18 A. I did.</p> <p>19 Q. When did you sign that contract?</p> <p>20 A. Again, I don't have that in front of me. 21 But September or October of 2020, I would imagine.</p> <p>22 Q. Is the contract with you individually, 23 or is it with your company?</p> <p>24 A. It was with R. Hinaman, yes.</p> <p>25 Q. And who is the other party that you</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. To be clear for the timeline, I'm moving 2 ahead now to 2021 for the most recent maps that were 3 drawn.</p> <p>4 A. Yes, sir.</p> <p>5 Q. And I'm going to refer now to the 2021 6 congressional map. When I refer to that, I mean the 7 one that was enacted. It was also referred to, I 8 believe, as HB-1 and then ultimately Act 2021-555. 9 Is that fair?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And I'll refer to that either as the 12 2021 map or the 2021 congressional map. Is that 13 okay?</p> <p>14 A. Yes, sir.</p> <p>15 Q. When were you first approached about 16 drawing the 2021 congressional map?</p> <p>17 A. That probably would have been the end -- 18 sometime in September or October of 2020.</p> <p>19 Q. Of 2020 or 2021?</p> <p>20 A. 2020. About a year out, I would say.</p> <p>21 Q. Who approached you?</p> <p>22 A. Senator McClendon and Representative 23 Pringle on behalf of the republican leadership.</p> <p>24 Q. What were you asked to do?</p> <p>25 A. They asked me if I would be interested</p>	<p style="text-align: right;">Page 53</p> <p>1 contracted with?</p> <p>2 A. Citizens for Fair -- Citizens for Fair 3 Representation. Or maybe Alabamians for Fair 4 Representation.</p> <p>5 Q. Do you recall which one it is?</p> <p>6 A. Not off the top of my head.</p> <p>7 Q. Who is Citizens for Fair Representation 8 or Alabamians for Fair Representation? Whichever the 9 name is, who is that group?</p> <p>10 A. It's a 501(c)(4) which also paid me to 11 do the map drawing that I did in 2011.</p> <p>12 Q. And what's your understanding of why you 13 were contracted by this particular group?</p> <p>14 A. Meaning?</p> <p>15 Q. As opposed to the State of Alabama, the 16 legislature, anyone else. Why this 501(c)(4) 17 organization?</p> <p>18 A. The leadership had set up that (c)(4) 19 for the purpose of drawing districts in 2020 -- 2011 20 and then continued it for 2021.</p> <p>21 Q. So this 501(c)(4) organization was 22 created for the purpose of drawing the redistricting 23 in the state of Alabama?</p> <p>24 A. In 2011, that's my understanding, yes.</p> <p>25 Q. Do you know if that organization does</p>

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<p style="text-align: right;">Page 54</p> <p>1 anything else?</p> <p>2 A. I do not.</p> <p>3 Q. The contract that you signed around</p> <p>4 September, October of 2020, did you draft that</p> <p>5 contract?</p> <p>6 A. I did.</p> <p>7 Q. What does the contract call for you to</p> <p>8 do?</p> <p>9 A. It calls for me to work with the two</p> <p>10 chairs and the leadership of the house and the</p> <p>11 senate to draw four maps, congressional, state</p> <p>12 senate, state house, and state board of education.</p> <p>13 And to the extent practical and possible, meet with</p> <p>14 the officeholders for those four maps to get their</p> <p>15 interest in changes and so forth.</p> <p>16 Q. In that last part, you said "to meet</p> <p>17 with the officeholders"?</p> <p>18 A. Yes.</p> <p>19 Q. Is that basically the incumbents for</p> <p>20 each of the various districts on each of those maps?</p> <p>21 A. Correct.</p> <p>22 Q. Do you have a copy of that contract?</p> <p>23 A. Not with me. But yes, I do.</p> <p>24 Q. Is that something that you could produce</p> <p>25 if you were requested in this case?</p>	<p style="text-align: right;">Page 55</p> <p>1 A. Yes.</p> <p>2 Q. What were the terms of your compensation</p> <p>3 in that contract?</p> <p>4 A. Four payments spaced out over various</p> <p>5 months, four payments of \$50,000 spaced out over the</p> <p>6 length of the contract.</p> <p>7 I believe when we actually signed the</p> <p>8 contract back in September or October, we were</p> <p>9 hoping or planning to do a special session in July.</p> <p>10 So we didn't at that time know that COVID was going</p> <p>11 to delay the census numbers and so forth and so on.</p> <p>12 So when I started the process at the end</p> <p>13 of 2020, the theory was we would, you know, probably</p> <p>14 have a special session in June or July sometime to</p> <p>15 pass these maps.</p> <p>16 Q. You said you started the process around</p> <p>17 the end of 2020. What do you --</p> <p>18 A. Well, when I signed the contract.</p> <p>19 Q. You also said that there was -- the</p> <p>20 contract called for four payments of \$50,000. Is</p> <p>21 that four separate payments of 50,000 each, for a</p> <p>22 total of --</p> <p>23 A. Yes, sir.</p> <p>24 Q. -- 200,000?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Have you been fully paid at this point?</p> <p>2 A. I have.</p> <p>3 Q. Was any part of your compensation</p> <p>4 contingent on anything?</p> <p>5 A. No. However, the -- just to be clear on</p> <p>6 the payment, because the time frame of the project</p> <p>7 changed -- I mean, when we initially signed the</p> <p>8 contract, the theory was, again, we would have the</p> <p>9 census data in March and we would pass a plan in</p> <p>10 July. Obviously, that didn't happen.</p> <p>11 So my timeline for when I was supposed</p> <p>12 to get those four payments I modified so that they</p> <p>13 didn't have to pay me before I had actually even had</p> <p>14 census data. So we changed the timeline. But yes.</p> <p>15 Q. Were you able to do any work on the maps</p> <p>16 before you got the census data?</p> <p>17 A. Yeah. We -- especially the state-wide</p> <p>18 ones such as congress and state board of education.</p> <p>19 We had to -- we had the estimates, county estimates,</p> <p>20 from the census bureau. I guess it would have been</p> <p>21 the 2019 numbers.</p> <p>22 So it was possible to look at them and</p> <p>23 say, okay, this district is likely to be under, this</p> <p>24 district is likely to be over, which on the</p> <p>25 congressional level allowed me to start meeting with</p>
<p style="text-align: right;">Page 55</p> <p>1 A. Yes.</p> <p>2 Q. What were the terms of your compensation</p> <p>3 in that contract?</p> <p>4 A. Four payments spaced out over various</p> <p>5 months, four payments of \$50,000 spaced out over the</p> <p>6 length of the contract.</p> <p>7 I believe when we actually signed the</p> <p>8 contract back in September or October, we were</p> <p>9 hoping or planning to do a special session in July.</p> <p>10 So we didn't at that time know that COVID was going</p> <p>11 to delay the census numbers and so forth and so on.</p> <p>12 So when I started the process at the end</p> <p>13 of 2020, the theory was we would, you know, probably</p> <p>14 have a special session in June or July sometime to</p> <p>15 pass these maps.</p> <p>16 Q. You said you started the process around</p> <p>17 the end of 2020. What do you --</p> <p>18 A. Well, when I signed the contract.</p> <p>19 Q. You also said that there was -- the</p> <p>20 contract called for four payments of \$50,000. Is</p> <p>21 that four separate payments of 50,000 each, for a</p> <p>22 total of --</p> <p>23 A. Yes, sir.</p> <p>24 Q. -- 200,000?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 57</p> <p>1 members before we had the official census data which</p> <p>2 we didn't get until the end of August.</p> <p>3 Q. So you didn't get the official census</p> <p>4 data until the end of August. But you had</p> <p>5 unofficial estimates from the census before then?</p> <p>6 A. Correct.</p> <p>7 Q. And when did you receive those</p> <p>8 unofficial results?</p> <p>9 A. I don't -- I don't know when the 2019</p> <p>10 numbers were updated. But I'm going to say around</p> <p>11 the end of -- somewhere around the end of 2020. But</p> <p>12 I don't know that exactly.</p> <p>13 Q. Did you begin working on the</p> <p>14 congressional map before you received the official</p> <p>15 census data?</p> <p>16 A. Yes, sir.</p> <p>17 Q. When did you begin working on that map?</p> <p>18 A. In earnest probably in May of 2021.</p> <p>19 Q. What do you mean "in earnest"?</p> <p>20 A. Well, meeting with members and talking</p> <p>21 substantively about potential changes.</p> <p>22 Q. Before we get into the specifics of</p> <p>23 that, just on your compensation real quick, were you</p> <p>24 paid or retained by anyone else?</p> <p>25 A. No. I mean, I assume you mean relative</p>	

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<p style="text-align: right;">Page 58</p> <p>1 to redistricting.</p> <p>2 Q. Certainly. You've received other 3 payments --</p> <p>4 A. Yes.</p> <p>5 Q. -- for other --</p> <p>6 A. Consulting.</p> <p>7 Q. Correct.</p> <p>8 So you stated that you began drawing the 9 2021 map in earnest in May of 2021. Did you do 10 anything else in preparation for drawing the maps 11 before that date?</p> <p>12 A. No. I mean, I had conversations with 13 members of the congressional delegation. And as you 14 may -- may know, there was considerable 15 concerns/discussion about whether Alabama would have 16 seven members of congress or six.</p> <p>17 And until we really knew the answer to 18 that -- which I think we were told by the census 19 bureau in April, sometime in April what the answer 20 to that question was -- there really wasn't much -- 21 I didn't -- my position with the congressmen was it 22 would not make sense to work on a map until we knew 23 how many districts we were going to have.</p> <p>24 Because, obviously, working on a 25 six-person map where somebody would be paired with</p>	<p style="text-align: right;">Page 60</p> <p>1 wait until we knew how many districts the state 2 would have. And then I would go to Washington and 3 meet with the members and start formulating a plan 4 from there to hopefully reach some consensus on a 5 map.</p> <p>6 Q. Before you received word from the census 7 bureau that there were going to be seven districts 8 in Alabama again, did you do anything else in 9 furtherance of drawing the 2021 congressional map?</p> <p>10 A. I did not.</p> <p>11 Q. When did you actually begin redrawing 12 the 2021 congressional map?</p> <p>13 A. After my May round of meetings in 14 Washington.</p> <p>15 Q. You say after then. Would that have 16 been in May? Or June, July?</p> <p>17 A. I think the end of May, beginning -- 18 again, this was all based on estimates. We did not 19 have the real census data. So I just -- I probably 20 roughed out a map sometime in May or June based off 21 of the estimates, knowing full well they were not 22 going to be completely accurate.</p> <p>23 Q. From the time that you started drawing 24 the 2021 congressional map until it was completed, 25 about how much time did you spend in terms of hours</p>
<p style="text-align: right;">Page 59</p> <p>1 somebody was not going to be a lot of fun. And 2 there was no need to do that if we didn't ever have 3 to.</p> <p>4 Q. Certainly. So the census bureau 5 informed --</p> <p>6 A. All the states, I think, in April of how 7 many -- how many members of congress they would 8 have. And then that allowed me to set up meetings 9 and work off of the estimates of 2019 to talk about 10 whether your district was over or under and so 11 forth.</p> <p>12 Q. And you began those meetings around May 13 of --</p> <p>14 A. I went to DC with the goal to meet with 15 everybody in May, yes, sir.</p> <p>16 Q. So you said you went to DC. So I assume 17 that you're referring to meetings with the 18 congressional members.</p> <p>19 A. Yes.</p> <p>20 Q. Did you meet with any other -- for 21 instance, did you meet with anybody in the Alabama 22 state legislature in the spring of 2021?</p> <p>23 A. Well, I met with the two co-chairs to 24 talk about my plan to how to -- you know, how to 25 move forward on the congressional, that we would</p>	<p style="text-align: right;">Page 61</p> <p>1 on drawing that map?</p> <p>2 A. I have no idea. I guess I would make a 3 bad lawyer.</p> <p>4 Q. Well, I don't want you to guess.</p> <p>5 When was the map completed for the 2021 6 congressional?</p> <p>7 A. Complete. When was I done with what I 8 was doing with it?</p> <p>9 Q. Correct.</p> <p>10 A. Probably the Friday before the week we 11 went into session. So whatever that -- October 23rd 12 or -- I'm making up that date. Whatever the Friday 13 before we went into session was.</p> <p>14 Q. And you're referring to the special 15 session that was called in the fall of 2021?</p> <p>16 A. Correct.</p> <p>17 Q. Going back to how much time it took you 18 in terms of hours. Would you say that you spent 19 more than 100 hours drawing the congressional map in 20 2021?</p> <p>21 A. Well, if you're including meetings and 22 discussions about it, yeah, probably.</p> <p>23 Q. Would you say you spent more than 150 24 hours?</p> <p>25 A. I don't know. I just -- I don't really</p>

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<p style="text-align: right;">Page 62</p> <p>1 have a -- I didn't think of it in terms of hours. 2 My contract didn't -- my contract was just you were 3 going to draw these four maps. And whether it took 4 123 hours or 217 was irrelevant to what I was doing. 5 Q. Right. I'm just trying to get an idea 6 about how long it took you. I know there were 7 months involved.</p> <p>8 But how much time you were actually 9 spending on this in that time frame, would you say 10 it took you more than 200 hours?</p> <p>11 A. I have no way of even guessing that. I 12 really -- I apologize, but I don't.</p> <p>13 Q. Were you doing other things work-wise 14 between May 2021 and -- when was the special 15 session? Was it in October?</p> <p>16 A. October of 2021, yes.</p> <p>17 Q. Between May 2021 and October 2021, were 18 you doing anything else work-wise other than drawing 19 these four maps?</p> <p>20 A. Not very much because it was an 21 off-year, obviously. I had clients that I did 22 things for, obviously, in 2020, working up to the 23 November 2020 election. But -- and I still had an 24 ongoing relationship with some of -- a couple of my 25 clients. But there wasn't a lot of work that needed</p>	<p style="text-align: right;">Page 64</p> <p>1 clarification. 2 Does that apply to all four of the maps 3 that you were drawing? 4 A. No. That's obviously the -- the only 5 one that the census determined how many members 6 there would be would be -- was congress. 7 Q. Because you said you had unofficial 8 census data on, I guess, population prior to that? 9 A. By county, yes. 10 Q. And did you use that unofficial data for 11 the other maps? 12 A. I used it -- I used it to start working 13 with the state school board members. 14 It was less effective at the senate and 15 house levels, virtually useless at the house level 16 because it was mostly county data at the beginning. 17 And so most house districts are not made up of full 18 counties, obviously. So it was less valuable in 19 those maps and more valuable in the statewide maps. 20 Q. When did you begin drawing the state 21 house and senate maps in 2021? 22 A. I did not start on a house map until we 23 actually had all of our census data at the end of 24 August. I had roughed out a few of the rural senate 25 districts based on some of the estimates. But it</p>
<p style="text-align: right;">Page 63</p> <p>1 to be done in the off-year. 2 Q. Were you working full 40-hour weeks 3 during that entire time? 4 A. By and large, yes. 5 Q. Did you take any trips or personal 6 vacation time during that time period? 7 A. Well, it was during COVID. So I didn't 8 travel a whole lot. But it was a crazy time, as you 9 all remember. 10 Q. Did you take any time off? 11 A. Sure. 12 Q. About how long did you take off? 13 A. I don't know. A couple of weeks. 14 Q. And in that -- you had mentioned that 15 you weren't able to begin redrawing the 16 congressional map before you received the census 17 estimates in April of 2021. Does that apply to all 18 -- 19 A. Before I received how many districts we 20 had in April of 2021. 21 Q. Correct. Does that -- 22 A. I think we had the census estimates 23 before that. I'm saying we just didn't know how 24 many districts there were. 25 Q. Fair enough. Thank you for the</p>	<p style="text-align: right;">Page 65</p> <p>1 wasn't particularly effective. 2 So I would -- I would really say I 3 didn't seriously start drawing those maps until 4 August of 2021. 5 Q. And what about the board of education 6 map? 7 A. The board of education I was doing 8 simultaneously to congress because that was 9 obviously a statewide map. And the county numbers 10 were more usable in that type of map than they were 11 in a 105-member state house map. 12 Q. So you began drawing the board of 13 education map around -- 14 A. The same times as congress. 15 Q. Which was around May of 2021? 16 A. Correct. I think I started meeting with 17 those members in May, as well. 18 Q. We've been going about an hour. Do you 19 want to take a break? 20 A. Sure. 21 THE VIDEOGRAPHER: We're off the record. 22 The time is 10:17 a.m. 23 (Recess was taken.) 24 THE VIDEOGRAPHER: We are back on the 25 record. The time is now 10:35 a.m.</p>

<p style="text-align: right;">Page 66</p> <p>1 Q. Mr. Hinaman, when we left off, we were 2 talking about the preparation that you did starting 3 to get into the beginnings of drawing the 2021 map. 4 Prior to May 2021, did you anything in 5 furtherance of drawing the 2021 congressional map? 6 A. Other than reviewing the 2019 census 7 estimates by county, no. 8 Q. And what did you do when you were 9 reviewing the -- 10 A. I was trying to get a feel for what 11 districts would be underpopulated and what districts 12 would be overpopulated based on those estimates. 13 And while the estimates in the end 14 didn't turn out to be obviously particularly close 15 to the actual numbers, in order -- they were -- they 16 were close in that they did predict the three 17 districts that would be under and the four districts 18 that would be over. 19 So it was helpful to pay attention to 20 that when I started to do my round of meetings with 21 the members of congress. 22 Q. Did you do anything else prior to May 23 2021 in furtherance of drawing the 2021 24 congressional map? 25 A. No. I mean, obviously, I -- at some</p>	<p style="text-align: right;">Page 68</p> <p>1 guidelines had been passed in early May. 2 The only other thing in there, obviously 3 I had talked -- before we knew seven to six, I had 4 talked to, obviously, all of the offices, the 5 congressional offices, about what my -- what our 6 proposed timeline was going to be based on the fact 7 that the census data was delayed, and that hopefully 8 we would be able to set up a round of meetings in 9 May and then we would get our data in August or 10 whatever, and then we would fine tune it from there. 11 Q. So those were more of administrative 12 coordination discussions? 13 A. Yes, sir. 14 Q. You flew to DC, you said, in May of 2021 15 to meet with the congressional members. Did you 16 meet with each -- all seven congressional members? 17 A. I met with five in person, one by Zoom. 18 And one of the members declined to meet because they 19 were more interested in running for a different 20 office, I guess. 21 Q. Which member was that that declined to 22 meet? 23 A. Mo Brooks. I met with his chief of 24 staff, but I did not meet with Congressman Brooks 25 directly.</p>
<p style="text-align: right;">Page 67</p> <p>1 point in that time frame, the reapportionment 2 committee met and passed their guidelines. 3 Obviously, I reviewed those and how they would 4 impact the drawing of the maps. But that was -- 5 that was about the May time frame, as well. It may 6 have been early May rather than later May. 7 Q. You met with members of congress in DC 8 in May of 2021, correct? 9 A. Yes. 10 Q. Was that the first thing that you did 11 after the census data came out in 2021? 12 A. Well, the data -- 13 Q. Let me take a step back there. 14 You said that prior to May 2021, the 15 only thing that you had done was review some of the 16 unofficial census data to get a feel for 17 underpopulation, overpopulation? 18 A. Yes. 19 Q. Then the census bureau announced around 20 April 2021 that there will be seven congressional 21 districts again in Alabama? 22 A. Correct. 23 Q. Was the next step that you did flying to 24 DC to meet with the congressional members? 25 A. Yes. And that was, again, after</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. You met with each of the other 2 congressional members? 3 A. Five in person and one by Zoom. 4 Q. Who was the one you met with by Zoom? 5 A. Congresswoman Sewell. She was back in 6 Alabama on a personal matter. So I met with her by 7 Zoom. 8 Q. Did you meet personally with Congressman 9 Sewell by Zoom? 10 A. Yes. 11 Q. And when was that? 12 A. During the May trip. Is that what 13 you're asking me? 14 Q. Correct. Because you went to DC to meet 15 with some of them. 16 A. Yes. And she was not in DC because of a 17 personal matter. So we did a Zoom call. 18 Q. You were in DC when you had the 19 Zoom call? 20 A. And she was in Birmingham, I believe. 21 Q. Was it just one call that you had with 22 Congressman Sewell? 23 A. During that trip, just one call. 24 Q. Have you had other meetings with 25 Congressman Sewell?</p>

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<p style="text-align: right;">Page 70</p> <p>1 A. I've had other Zoom meetings with her. 2 Microsoft Teams, technically. But yes, Zoom 3 meetings.</p> <p>4 Q. Have you had any in-person meetings with 5 Congressman Sewell?</p> <p>6 A. No, I don't think I did this time. I 7 mean, as -- in-person meetings were rather 8 difficult. It was actually May when I went to -- 9 the house office buildings were actually closed and 10 didn't allow visitors. So meeting anybody in person 11 was a bit challenging during that time.</p> <p>12 I would have met with her in person on 13 that trip had she been in town. But she was not. 14 But the other members that I met with were all 15 off-campus, so to speak, because we couldn't go to 16 -- I couldn't go to their offices.</p> <p>17 Q. As far as Congressman Brooks goes, you 18 said you met with somebody from his staff?</p> <p>19 A. I met with his chief of staff, yes.</p> <p>20 Q. And what did you discuss with these 21 representatives when you met with them in May of 22 2021?</p> <p>23 A. I discussed the over and under nature of 24 their district. And if their district was 25 underpopulated based on the estimates, I said, you</p>	<p style="text-align: right;">Page 72</p> <p>1 information. And then what did you do with it?</p> <p>2 A. Tried to rough it out in an estimated 3 map, but again knowing that it was going to change 4 because the estimates were not going to be 5 completely accurate.</p> <p>6 And, again, I didn't want to -- if there 7 was a conflict somewhere between some -- two members 8 wanted county X, I didn't really want to litigate 9 that until we had real numbers because it may become 10 irrelevant when it turns out that their district was 11 10,000 off of what the estimate said.</p> <p>12 So I tried not to get into any 13 negotiations at that point.</p> <p>14 Q. Were there some disputes in the 15 recommendations and requests that you received?</p> <p>16 A. Minorly, yeah.</p> <p>17 Q. Were there specific counties that more 18 than one representative wanted?</p> <p>19 A. Yeah. I mean, for example, the 1st 20 District was going to be over. The 1st District was 21 going to be overpopulated, and it was going to have 22 to lose some. And the 1st District congressman 23 wanted to probably lose some to the 2nd in Monroe, 24 but the 2nd District congressman wanted to gain some 25 from the 1st in Escambia, just things like that.</p>
<p style="text-align: right;">Page 71</p> <p>1 know, "Where would you envision picking up 2 population?" If you were over populated, "What 3 areas of your district would you envision 4 potentially losing?"</p> <p>5 Q. Did you discuss anything other than 6 population changes with them?</p> <p>7 A. Population changes and potential 8 timelines and when we might get the real census 9 data.</p> <p>10 Q. Anything else that you discussed with 11 them?</p> <p>12 A. That was about it.</p> <p>13 Q. What did you do next after meeting with 14 the representatives in May of 2021?</p> <p>15 A. I took -- took back that information and 16 looked at it in terms of a map, and then waited for 17 the real census data to come to see where we really 18 were.</p> <p>19 Q. You said you took back that information. 20 What sort of information did you get from these 21 meetings?</p> <p>22 A. When somebody said if I need to lose 23 10,000, I would like to lose them in county X or 24 place Y or whatever.</p> <p>25 Q. And so you said you took that</p>	<p style="text-align: right;">Page 73</p> <p>1 They were not major.</p> <p>2 But, again, it really wasn't worth the 3 point of negotiating it fully until we knew the real 4 numbers. Because as it turned out, it only ended up 5 being 739 people, and it wasn't particularly 6 important which county it was in the scheme of 7 717,000 voters or citizens in a district.</p> <p>8 Q. You said you then took that information 9 from those meetings with the representatives and 10 roughed out a map. What does that mean?</p> <p>11 A. It means I took the -- we had the 12 estimates on Mapitude at the state reapportionment 13 office. And I just roughed without -- I mean, I 14 didn't get anywhere close to zero deviation because 15 there was no point in it.</p> <p>16 I just generally roughed out based on 17 what we had discussed in DC, knowing that it was all 18 going to change when we got the real numbers. But 19 just explored some of the potential.</p> <p>20 Q. And to be clear, for somebody that 21 doesn't draw maps, what does "roughed out" mean?</p> <p>22 A. Meaning assigned various counties to 23 districts just in an effort to get things closer to 24 the ideal population.</p> <p>25 Q. Kind of playing with the numbers, just</p>

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<p style="text-align: right;">Page 74</p> <p>1 kind of seeing what works as a preliminary 2 standpoint, I guess?</p> <p>3 A. Yes. And just to be clear, that was all 4 on total population. Because I certainly didn't 5 have the ability or trust the internals of any of 6 those -- I mean, I wouldn't have trusted like BVAP 7 or anything else to the extent it wouldn't have made 8 any sense to look at it at that point.</p> <p>9 Q. Did you have any data on the black 10 voting age population at that --</p> <p>11 A. I don't know what the estimates had. 12 But I didn't even look at it because I knew it 13 wasn't going to be significant to what we were 14 doing.</p> <p>15 Q. Did you do anything else before you 16 received the official census data in August of 2021?</p> <p>17 A. No.</p> <p>18 Q. Did you review any other materials in 19 that time frame before August 2021?</p> <p>20 A. Obviously, I reviewed the guidelines and 21 had discussions with the two chairs of how we will 22 proceed once we get the data in terms of all the 23 maps.</p> <p>24 Q. What were those discussions like?</p> <p>25 A. Just mostly timing and how we would --</p>	<p style="text-align: right;">Page 76</p> <p>1 A. No, sir. 2 Q. And then in August 2021, you received 3 the official census data, correct? 4 A. Correct. 5 Q. What did you do once you received that 6 data? 7 A. Well, the State received it. 8 Q. And then ultimately it was passed on to 9 you, correct? 10 A. Well, it was -- I used the state 11 computer. So their -- that data was then given to 12 Maptitude. This is my understanding. I did not do 13 any of this. 14 That data was given to Maptitude, and 15 Maptitude turned it into their workable -- put it 16 into their program and sent it back to the State. 17 And the State loaded it into their computers, which 18 all took another week. And then I was able to 19 manipulate it on -- use it on a computer at that 20 point. 21 Q. So walk me through that. So Maptitude 22 is a software on a computer, correct? 23 A. Yes. 24 Q. A map-drawing software? 25 A. Correct.</p>
<p style="text-align: right;">Page 75</p> <p>1 how we would go forward. And hopefully we could get 2 some consensus on the state school board members and 3 some consensus with the congressional members. 4 And, obviously, the house map I couldn't 5 do anything with until we got the real numbers. The 6 senate map I could do next to nothing with. I mean, 7 I could look at a few of the more rural districts 8 because they were whole counties. But once you got 9 into major metropolitan areas, I couldn't come up 10 with too many suggestions for that then.</p> <p>11 Q. Other than Pringle and McClendon, did 12 you meet with any other members of the Alabama 13 legislature?</p> <p>14 A. I don't believe so at that time.</p> <p>15 Q. And "that time" being before August 16 2021, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Did you review any election returns in 19 that time frame?</p> <p>20 A. I did not.</p> <p>21 Q. Did you review any voter registration 22 info in that time frame?</p> <p>23 A. I did not.</p> <p>24 Q. Did you review any voter primary 25 participation data in that time frame?</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. Is it the same software that you had 2 used previously in drawing maps? 3 A. I used it in 2011, yes, sir. 4 Q. Did you ever use it before then? 5 THE WITNESS: I used it in 2011. The 6 State used ESRI. 7 A. Excuse me? 8 Q. Did you use it before 2011? 9 A. I don't think so. 10 Q. And you were clarifying with Mr. Walker 11 that you used in 2011 -- 12 A. Yeah. In 2011, I had a computer, and I 13 had Maptitude on it. The State used -- the State of 14 Alabama used a different software, I think, called 15 ESRI. 16 THE REPORTER: Called what? 17 A. ESRI. 18 Q. Can you spell that? 19 A. I don't know. 20 MR. WALKER: E-S-R-I, all capital 21 letters. 22 Q. And what is ESRI? 23 A. It's just a -- it's similar to Maptitude 24 software for using the census data. 25 Q. So in 2011, you drew the map using your</p>

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<p style="text-align: right;">Page 78</p> <p>1 own computer and your own software?</p> <p>2 A. Correct.</p> <p>3 Q. Was that then imported into ESRI for the</p> <p>4 State?</p> <p>5 A. Yes, sir.</p> <p>6 Q. The file types can be imported from one</p> <p>7 to the other?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Then in 2021, you did not use your own</p> <p>10 computer and software, correct?</p> <p>11 A. That's correct.</p> <p>12 Q. You used the State's computers and</p> <p>13 software?</p> <p>14 A. Entirely.</p> <p>15 Q. Where was that physically?</p> <p>16 A. In the reapportionment office at the</p> <p>17 state house, Room 317.</p> <p>18 Q. So any time that you wanted to actually</p> <p>19 work on redrawing the map, you had to --</p> <p>20 A. Physically be there.</p> <p>21 Q. How often --</p> <p>22 A. Sorry. I didn't mean to finish your</p> <p>23 sentences.</p> <p>24 Q. That's fine. And we're doing a pretty</p> <p>25 decent job. But let's try to remember to let each</p>	<p style="text-align: right;">Page 80</p> <p>1 starting in August 2021 through October 2021?</p> <p>2 A. Yes.</p> <p>3 Q. And all four maps, you were doing the</p> <p>4 same process using the State's computers and using</p> <p>5 Maptitude, correct?</p> <p>6 A. Correct.</p> <p>7 Q. Were there any of those maps that took a</p> <p>8 significantly larger portion of your time to draw?</p> <p>9 A. Well, obviously, including meetings with</p> <p>10 members. 105 house members are significantly more</p> <p>11 meetings than, you know, seven for congress and</p> <p>12 eight for school board.</p> <p>13 So, obviously, the house map probably</p> <p>14 took a lot longer just in terms of meeting with 105</p> <p>15 different -- I didn't meet with everybody. But the</p> <p>16 vast majority of 105 people -- and sometimes more</p> <p>17 than once -- took a lot longer than meeting with</p> <p>18 seven congressmen, for example.</p> <p>19 Q. In addition to meeting, I assume that</p> <p>20 drawing 105 districts probably takes a lot more of</p> <p>21 your time to do than just drawing seven. Is that</p> <p>22 fair?</p> <p>23 A. That's fair.</p> <p>24 Q. If you had to put very rough percentages</p> <p>25 on the amount of time you spent on the congressional</p>
<p style="text-align: right;">Page 79</p> <p>1 other finish so that the court reporter can type</p> <p>2 everything down.</p> <p>3 How often -- starting in August 2021,</p> <p>4 how often would you go to the -- what did you say it</p> <p>5 was? The reapportionment office?</p> <p>6 A. Reapportionment office.</p> <p>7 Q. How often would you go to the</p> <p>8 reapportionment office after August 2021?</p> <p>9 A. Once the -- once the material was loaded</p> <p>10 into the computer, which was probably the last week</p> <p>11 of August maybe, I was there once or twice a week</p> <p>12 for the next week or so. And then after that, I was</p> <p>13 there four or five days a week until we were through</p> <p>14 the special session. I basically lived in</p> <p>15 Montgomery. For all intents and purposes, I lived</p> <p>16 in Montgomery for a couple of months.</p> <p>17 Q. From, say, the beginning of September</p> <p>18 through the end of October?</p> <p>19 A. Yeah. Certainly Labor Day until the end</p> <p>20 of October.</p> <p>21 Q. Would you work on weekends, as well?</p> <p>22 A. Rarely. I mean, once we got very close</p> <p>23 to the session, yes. But not -- not normally.</p> <p>24 Q. Of the four maps you were -- you were</p> <p>25 working on all four maps in that time frame, right,</p>	<p style="text-align: right;">Page 81</p> <p>1 map versus the other ones, about how much of your</p> <p>2 time would you say you spent?</p> <p>3 A. Now you're -- now you're making me a</p> <p>4 lawyer again. And I'm not good at this.</p> <p>5 I really -- I don't really know how to</p> <p>6 do that. I mean, you would be correct that the</p> <p>7 majority -- I mean, I put more time into the house</p> <p>8 map than I put into the state school board and the</p> <p>9 congressional. But I really don't have a way to</p> <p>10 quantify that.</p> <p>11 Q. Did you put more time into the senate</p> <p>12 map, as well?</p> <p>13 A. Yeah. Obviously, it's 35 members versus</p> <p>14 seven or eight. It just takes longer to do the</p> <p>15 meetings and follow-ups and so forth.</p> <p>16 Q. And the state school board --</p> <p>17 A. Is eight members.</p> <p>18 Q. Eight members. Did that take you about</p> <p>19 the same amount of time to draw as the --</p> <p>20 A. Yeah.</p> <p>21 Q. Sorry. Let me make sure that I can</p> <p>22 finish.</p> <p>23 Did drawing the state school board map</p> <p>24 take you about the same amount of time as it did for</p> <p>25 drawing the congressional map, given that they have</p>

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<p style="text-align: right;">Page 82</p> <p>1 about the same number of districts?</p> <p>2 A. Yes.</p> <p>3 Q. Going back to the software, this</p> <p>4 Maptitude software, you said that it took about a</p> <p>5 week for the census information to be uploaded; is</p> <p>6 that correct?</p> <p>7 A. Yeah, that's what I said.</p> <p>8 Q. What does that mean?</p> <p>9 A. Again, this was not part of my</p> <p>10 responsibility. But the State got the data, as I</p> <p>11 understood it, and gave it to Maptitude. Maptitude</p> <p>12 translated it into their software and sent it back</p> <p>13 to the State to be loaded on the State computer.</p> <p>14 But, again, this is all my secondhand</p> <p>15 knowledge of what was going on. I was not doing</p> <p>16 this.</p> <p>17 Q. From your perspective, once you arrived</p> <p>18 around the end of August looking at Maptitude and</p> <p>19 the software, you were able to see what information</p> <p>20 has been uploaded, correct?</p> <p>21 A. Well, once it's -- yeah. Once it's</p> <p>22 uploaded, yes.</p> <p>23 Q. What sort of information is -- was</p> <p>24 available to you on the Maptitude software regarding</p> <p>25 the districts?</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Who did you meet with to discuss the</p> <p>2 drawing of the map between August 2021 and when you</p> <p>3 submitted the map in the week before the special</p> <p>4 session?</p> <p>5 A. Once we had the real data, I went back</p> <p>6 and had Zoom calls with all of the members of</p> <p>7 congress or their -- or their chief of staff to talk</p> <p>8 about what the differences were from the estimates</p> <p>9 versus the actual census data and to reiterate, you</p> <p>10 know, what we discussed in May, what was still</p> <p>11 operable and what maybe needed to be slightly</p> <p>12 revised based on what our thoughts were.</p> <p>13 Then after those round of Zoom calls, I</p> <p>14 went back and drew a proposed map. Which I then did</p> <p>15 another round of calls, Zoom calls with, to look at</p> <p>16 the final -- semifinal, final version, I guess.</p> <p>17 Q. In those meetings, did you discuss</p> <p>18 anything with the representatives other than changes</p> <p>19 that needed to be made for population deviation?</p> <p>20 A. No.</p> <p>21 Q. How many meetings would you say you had</p> <p>22 with each of the representatives in that time frame?</p> <p>23 A. It varied. For example, Mo Brooks would</p> <p>24 be zero because he again was not interested to</p> <p>25 participate. Others took, you know, three, four,</p>
<p style="text-align: right;">Page 83</p> <p>1 A. Once it's all loaded in, I have, you</p> <p>2 know, total population and voting age population and</p> <p>3 race down to the block level.</p> <p>4 Q. Is there any other information that's</p> <p>5 available to you in Maptitude?</p> <p>6 A. I don't believe so.</p> <p>7 Q. Did you, yourself, upload any additional</p> <p>8 information into Maptitude?</p> <p>9 A. I did not.</p> <p>10 Q. Did you review any other data in</p> <p>11 preparing the maps?</p> <p>12 A. I did not.</p> <p>13 Q. Did you meet with anyone between August</p> <p>14 2021 and the time that you submitted the maps before</p> <p>15 the special session in furtherance of drawing the</p> <p>16 2021 congressional map?</p> <p>17 A. Well, I met with virtually all of the</p> <p>18 officeholders.</p> <p>19 Q. You met with each of the seven</p> <p>20 congressional representatives again?</p> <p>21 A. Oh, yeah. I had Zoom calls with -- with</p> <p>22 them. And then -- are you talking just</p> <p>23 congressional now, or all of it?</p> <p>24 Q. Focusing on the 2021 congressional map.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 85</p> <p>1 five phone calls. Some were one or two.</p> <p>2 In the final end, Representative Palmer</p> <p>3 decided not to do the final call. So I didn't have</p> <p>4 a final call with him. But everybody else, I had at</p> <p>5 least two, if not more.</p> <p>6 Q. Were all of the meetings with the</p> <p>7 representatives from August 2021 through the special</p> <p>8 session by Zoom?</p> <p>9 A. Yes.</p> <p>10 Q. When you had those meetings, would you</p> <p>11 share your screen to be able to show what the map</p> <p>12 looks like?</p> <p>13 A. Exactly, yes.</p> <p>14 Q. Did you discuss with each of the</p> <p>15 representatives the map as a whole or just their</p> <p>16 specific districts?</p> <p>17 A. Their specific districts and an adjacent</p> <p>18 district if there was some change there.</p> <p>19 Q. You stated for the 2011 congressional</p> <p>20 map that you were actually hired by the seven</p> <p>21 congressional representatives, correct?</p> <p>22 A. Correct.</p> <p>23 Q. That was not the case for 2021, correct?</p> <p>24 A. That's correct.</p> <p>25 Q. Why not?</p>

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<p style="text-align: right;">Page 86</p> <p>1 A. That was not my -- the leadership 2 decided that they would, you know, hire me through 3 the 501(c)(4), which -- which is how they hired me 4 for legislative. I did the legislative maps in 5 2021, and I guess they preferred that model over the 6 other one. I don't know. That was their choice, 7 not mine.</p> <p>8 Q. Did you receive any other instructions 9 or requests from the congressional representatives 10 other than changes to make to account for population 11 deviation?</p> <p>12 A. No.</p> <p>13 Q. Did you meet with any members of the 14 Alabama state legislature to discuss the 2021 15 congressional maps?</p> <p>16 A. Just -- just the two co-chairs, two 17 chairs.</p> <p>18 Q. And that's --</p> <p>19 A. Senator McClendon and Representative 20 Pringle.</p> <p>21 Q. What did you discuss with Senator 22 McClendon and Representative Pringle?</p> <p>23 A. I would just update them on our progress 24 and discussions with various members. And to the 25 extent that there were conflicts like the one I</p>	<p style="text-align: right;">Page 88</p> <p>1 at 10:00 o'clock. It was just when they were both 2 there or singularly there, I would just give them a 3 quick update.</p> <p>4 Q. Were these updates by phone or email or 5 in person?</p> <p>6 A. Usually in person.</p> <p>7 Q. Were there ever communications by email 8 with them?</p> <p>9 A. No.</p> <p>10 Q. Did you attend any of the public 11 hearings in preparation for the 2021 congressional 12 maps?</p> <p>13 A. I didn't. They were happening 14 simultaneously with me being in Montgomery. And I 15 would occasionally walk in the room while they were 16 happening to talk to somebody else or whatever. But 17 I didn't officially attend them.</p> <p>18 Q. There were a few that you walked into 19 the room while they were going, you said?</p> <p>20 A. Well, they were being done in an 21 adjacent room, and I occasionally walked in. And I 22 would also occasionally -- either the co-chairs or 23 Dorman Walker or somebody would come back and update 24 me as to something somebody said if they thought it 25 was significant to my drawing.</p>
<p style="text-align: right;">Page 87</p> <p>1 described between the 1st and the 2nd, I just 2 updated on that in case they were to receive a call 3 from somebody, they would know what was happening.</p> <p>4 Q. In these meetings with Senator McClendon 5 and Representative Pringle, were you pretty much 6 just providing information to them?</p> <p>7 A. Yeah, pretty much.</p> <p>8 Q. Did you receive any feedback or 9 particular requests from them about how to draw the 10 map?</p> <p>11 A. No.</p> <p>12 Q. Beyond anything that you were told from 13 the congressional -- U.S. congressional 14 representatives, were you given any instructions or 15 requests about how to draw the 2021 congressional 16 map from anyone?</p> <p>17 A. No.</p> <p>18 Q. And how many times did you meet with 19 Representative Pringle and Senator McClendon in 20 preparation for drawing the 2021 congressional maps?</p> <p>21 A. I don't -- I mean, this was during the 22 course in time when they were also in town doing 23 meetings with their colleagues. So maybe I updated 24 them every other week. It was rather -- I mean, it 25 wasn't a formally structured we meet every Tuesday</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. Do you recall what any of those sort of 2 comments would have been?</p> <p>3 A. Yeah. For example -- and this was 4 already in process, so it wasn't a tremendous shock. 5 But there were comments, for example, in the 6 Montgomery meeting that they didn't want to be split 7 into three districts as they were in 2001, that they 8 would prefer Montgomery not -- probably they 9 preferred it not to be split at all. But if it were 10 going to be split, to certainly not three ways and 11 have it be two, which was a feature of a map I was 12 already working on. But things like that.</p> <p>13 Q. Do you remember any other specific 14 feedback that you received from the public hearings?</p> <p>15 A. Just areas like the Shoals area wanted 16 to be kept as intact as possible. And people in 17 Madison and Morgan wanted to be -- they thought 18 there was obviously a lot of community of interest 19 between those areas in north Alabama. People in 20 Baldwin and Mobile wanted to be kept together. 21 There was a lot of community of interest between 22 those counties. Things like that.</p> <p>23 Q. When you refer to "the Shoals area," 24 you're referring to Muscle Shoals?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 90</p> <p>1 Q. Any other specific feedback that you 2 recall receiving from the public hearings?</p> <p>3 A. Not on congressional. There was a lot 4 of feedback on state maps that we also talked about.</p> <p>5 Q. And did you ever personally sit in on 6 any of these hearings or hear anything that was 7 being said personally?</p> <p>8 A. I did for ten-minute snippets 9 occasionally when I was waiting to talk to somebody 10 in that room.</p> <p>11 Q. Did you gather anything from the time 12 that you spent in the hearing personally?</p> <p>13 A. Nothing other than observations that I 14 relayed to you a minute ago.</p> <p>15 Q. You mentioned that Montgomery County, 16 the public hearings provided feedback that they 17 didn't want to be split. Do you remember why that 18 was?</p> <p>19 A. I think -- I think both in Montgomery 20 County and most any county when you have split 21 counties or split precincts, there's confusion as to 22 who somebody's -- who their representative may be.</p> <p>23 And it was a -- it was obviously a 24 guideline of the committees on all these maps to try 25 to split less precincts and less counties.</p>	<p style="text-align: right;">Page 92</p> <p>1 doing that split. So yes, it was in my mind when we 2 were, for example, doing that split.</p> <p>3 Q. Other than the accommodations for the 4 Lauderdale, Muscle Shoals area, did any of the 5 public feedback that you received from the public 6 hearings tangibly impact a change that you made on 7 the map?</p> <p>8 A. Not so much a change. But it did -- it 9 did confirm that our theory of putting -- not 10 splitting Montgomery three ways was a worthy goal. 11 And I worked to get Congressmen Rogers to agree to 12 come out of Montgomery County because he was 13 partially in Montgomery County.</p> <p>14 Q. Since we're talking about it, this may 15 help a bit.</p> <p>16</p> <p>17 (Plaintiff's Exhibit 5 was 18 marked for identification.)</p> <p>19</p> <p>20 Q. I'm handing you Exhibit 5. I don't want 21 this to be a memory test for you. So this is a copy 22 of the 2021 --</p> <p>23 A. I've had enough -- I've had enough of 24 those already.</p> <p>25 Q. This is a copy of the 2021 congressional</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. Do you know when Montgomery County was 2 originally split?</p> <p>3 A. Originally split?</p> <p>4 Q. Correct.</p> <p>5 A. No. I mean -- no, I don't.</p> <p>6 Q. The first map you drew was in 1992. Was 7 Montgomery County already split prior to that?</p> <p>8 A. I have no idea. I'm sorry. I don't 9 even remember the map I drew, whether it was split, 10 to be honest with you.</p> <p>11 Q. Did any of the information that you 12 received from the public hearings impact the way you 13 drew the 2021 congressional map?</p> <p>14 A. No, other than things like I said, not 15 splitting Montgomery three ways, putting as much of 16 the Shoals area together, keeping Mobile and Baldwin 17 together, keeping Madison and Morgan together.</p> <p>18 Q. Was that something that you specifically 19 made changes to your map to accommodate?</p> <p>20 A. No. Most of those features were already 21 happening. It just -- I kept it in mind. For 22 example, when -- we eventually had to split 23 Lauderdale County between 5 and 4. And when we were 24 doing that, I was trying to keep Florence and Muscle 25 Shoals together as much as possible when we were</p>	<p style="text-align: right;">Page 93</p> <p>1 map. Do you recognize this?</p> <p>2 A. I do.</p> <p>3 Q. Does this appear to be a true and 4 correct of the 2021 congressional map?</p> <p>5 A. It does.</p> <p>6 Q. We were talking about Montgomery County 7 here not wanting to be split.</p> <p>8 A. Three ways, yes.</p> <p>9</p> <p>10 (Plaintiff's Exhibit 6 was 11 marked for identification.)</p> <p>12</p> <p>13 Q. I'm also going to hand you what's being 14 marked as Plaintiff's Exhibit 6 for your reference. 15 This is a copy of the 2011 congressional map.</p> <p>16 So looking at Montgomery County, it 17 looks like in -- well, first off, Plaintiff's 18 Exhibit 6, does that appear to be a true and correct 19 copy of the 2011 congressional map, to your 20 knowledge?</p> <p>21 A. It does.</p> <p>22 Q. We were -- and you used this 2011 23 congressional map as the starting point in drafting 24 the 2021 congressional map, correct?</p> <p>25 A. I used the cores of the existing</p>

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<p style="text-align: right;">Page 94</p> <p>1 districts as a starting point, yes.</p> <p>2 Q. Is that different from using this map as</p> <p>3 the starting point?</p> <p>4 A. I don't know. I don't think so.</p> <p>5 Q. When you began drawing the 2021</p> <p>6 congressional map, you didn't start from scratch,</p> <p>7 right?</p> <p>8 A. No. Correct.</p> <p>9 Q. You started using the 2011 congressional</p> <p>10 map?</p> <p>11 A. Correct.</p> <p>12 Q. Looking at Montgomery County, so that</p> <p>13 was split into three districts in 2011; is that</p> <p>14 right?</p> <p>15 A. That's correct.</p> <p>16 Q. Do you know why that was split into</p> <p>17 three districts at the time?</p> <p>18 A. Not specifically, other than, obviously,</p> <p>19 it had been -- Congressman Mike Rogers in the 3rd</p> <p>20 District had had an office in Montgomery, that part</p> <p>21 of Montgomery County, and had represented it for a</p> <p>22 while and probably didn't -- didn't want to lose</p> <p>23 that base of support and financial support and so</p> <p>24 forth.</p> <p>25 Q. In the 2011 congressional map, District</p>	<p style="text-align: right;">Page 96</p> <p>1 add a number of different counties to make up that</p> <p>2 population.</p> <p>3 Q. Well, it looks like District 7 also</p> <p>4 includes only a portion of Tuscaloosa County and</p> <p>5 Jefferson County, correct?</p> <p>6 A. That's correct.</p> <p>7 Q. So could you not have taken more of</p> <p>8 either Tuscaloosa County or Jefferson County and</p> <p>9 then been able to leave Montgomery County as being</p> <p>10 solely in one district?</p> <p>11 A. Well, yeah, it would have been possible</p> <p>12 certainly in Jefferson. I don't know about</p> <p>13 Tuscaloosa. I don't think actually -- I think there</p> <p>14 are many more people in the 7th District portion of</p> <p>15 Montgomery than there are in the 4th District</p> <p>16 portion of Tuscaloosa. But yes, certainly in</p> <p>17 Jefferson that would have been possible.</p> <p>18 But as you know, they -- these all have</p> <p>19 to fit back together at the end. So what might have</p> <p>20 been a perfect map for somebody in Montgomery may</p> <p>21 not have created a perfect situation for whatever</p> <p>22 member represented Jefferson or wherever.</p> <p>23 Q. Did you consider moving -- did you</p> <p>24 consider making Montgomery County solely District 2?</p> <p>25 A. I did not.</p>
<p style="text-align: right;">Page 95</p> <p>1 7 reaches into a portion in the middle of Montgomery</p> <p>2 County. Do you know why it does that?</p> <p>3 A. To gain population for that district.</p> <p>4 Q. Was District 7 reaching into a portion</p> <p>5 of Montgomery County in the prior 2001 congressional</p> <p>6 map?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you remember if Montgomery County --</p> <p>9 do you remember if District 7 reached into a portion</p> <p>10 of Montgomery County in the 1992 congressional map</p> <p>11 that you drew?</p> <p>12 A. I do not remember, no. I'm sure</p> <p>13 somebody has a map and could tell me. But I don't</p> <p>14 know.</p> <p>15 Q. So it looks like from the 2011</p> <p>16 congressional map to the 2021 congressional map, you</p> <p>17 were able to take District 3 out of Montgomery so</p> <p>18 that it's not split three ways anymore and is only</p> <p>19 split two ways; is that correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Is there a reason why it still needed to</p> <p>22 be split into two different districts?</p> <p>23 A. Yeah. I mean, obviously, the 7th</p> <p>24 District was underpopulated. So if you took it all</p> <p>25 the way out of Montgomery, then you would have to</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. Why not?</p> <p>2 A. Because, again, I didn't think it --</p> <p>3 while that may look like geographically not a very</p> <p>4 large area, it has a considerable number of voters</p> <p>5 in it. And it would have been hard to take that out</p> <p>6 of 7 and make up the population somewhere else.</p> <p>7 About the only place, as you pointed</p> <p>8 out, to do that might have been Jefferson. But,</p> <p>9 again, we have two representatives in Jefferson</p> <p>10 County right now. And it would have been hard to</p> <p>11 eliminate one from that process.</p> <p>12 Q. Is there anything in particular about</p> <p>13 this specific portion of Montgomery County that's in</p> <p>14 District 7 that makes it a community of interest or</p> <p>15 something that ties it into District 7 versus</p> <p>16 District 2?</p> <p>17 A. Not necessarily. I mean, obviously,</p> <p>18 geographically it's next to -- it's adjacent to</p> <p>19 Lowndes County.</p> <p>20 Q. Did you look at racial data in including</p> <p>21 that portion of Montgomery County in District 7?</p> <p>22 A. I didn't. When we started doing -- I</p> <p>23 didn't initially. When we started filling in this</p> <p>24 -- all these discussions we've had up until now have</p> <p>25 all been based on total pop. I didn't look at race</p>

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<p style="text-align: right;">Page 98</p> <p>1 at all on the computer when we were adding folks to 2 these districts or subtracting folks from these 3 districts.</p> <p>4 So at this point, I've basically just 5 been looking at total pop and where do you get the 6 total pop to get the districts back to ideal 7 population. So at that point, there was no 8 discussion of race. It was all a discussion of 9 total pop.</p> <p>10 Q. You say "at this point." Where are we 11 talking in the timeline?</p> <p>12 A. Up until -- up until we finished the 13 map.</p> <p>14 Q. Finishing the map being the week before 15 the special session?</p> <p>16 A. Correct.</p> <p>17 Q. So is it your testimony that you did not 18 look at race at all in 2021 before submitting the 19 maps to the special session?</p> <p>20 A. No, I did not look at it up until the 21 week before we submitted the maps, when at that 22 point we did turn on race and look at the racial 23 breakdowns in the various maps.</p> <p>24 Q. Why did you look at the racial breakdown 25 that week before the special session?</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Anything else? 2 A. That's it. 3 Q. Other than modifying the existing 4 district lines to account for population changes, 5 did you make any other changes from the 2011 6 congressional map? 7 A. I'm not sure I follow that. 8 Q. You made changes to the 2011 9 congressional map for the 2021 map based on changes 10 in population, correct? 11 A. Correct. 12 Q. Did you make any changes based on any 13 other factors? 14 A. Are we talking -- we're talking the 2021 15 map? 16 Q. Correct. So in drawing the 2021 map, 17 you made certain changes from the prior map based on 18 changes in population, correct? 19 A. Correct. 20 Q. Did you make any changes based on any 21 other factors? 22 A. No. I didn't make any changes. 23 Obviously, where members lived was a consideration. 24 I certainly would be mindful -- when I was moving a 25 precinct in Jefferson County, for example, I</p>
<p style="text-align: right;">Page 99</p> <p>1 A. Well, to -- obviously, we wanted to see 2 what the, you know, outcomes of our changes were. 3 Q. What do you mean? 4 A. We wanted to see what -- the changes we 5 had made to get the population balanced among all 6 these districts, if it changed any of the, you know, 7 racial makeup of the districts.</p> <p>8 Q. Why did you want to know that? 9 A. Well, one of our guidelines is to comply 10 with the Voting Rights Act. 11 Q. And you say "we wanted." Who is "we"? 12 A. The two co-chairs, myself, and legal 13 counsel. 14 Q. "Legal counsel" being Mr. Dorman -- 15 A. Yes. 16 Q. -- Walker? 17 A. Yes. 18 Q. And prior to that week before the 19 special session, it's your testimony that you did 20 not look at any of the racial data at all for any 21 of the districts in drawing the 2021 congressional 22 map? 23 A. That's correct. 24 Q. What data did you look at? 25 A. Just -- just total pop and geography.</p>	<p style="text-align: right;">Page 101</p> <p>1 couldn't move Congresswoman Sewell out of her 2 district, for example. But I didn't make any 3 changes based on that. 4 Q. Other than population data and race data 5 starting the week before the map was submitted, did 6 you review any other data about the constituents or 7 the districts when drawing the 2021 map? 8 A. I did not. 9 Q. If any changes were made to the 2021 10 map, would you have been the one to physically make 11 those changes on the computer? 12 A. Yes. 13 Q. Was there anyone else who physically sat 14 on the computer and made any changes for the 2021 15 map? 16 A. I don't believe so. I mean, Donna 17 Loftin, who heads the reapportionment office, 18 certainly was capable of doing that. But I don't 19 believe she ever -- she's not really authorized to 20 change a map, I guess, without me asking her to. 21 Q. Do you know if she made any changes? 22 A. I don't believe she did, no. 23 Q. Did anyone else assist you in drawing 24 the map? 25 A. Nobody assisted me in drawing the map.</p>

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<p style="text-align: right;">Page 102</p> <p>1 Q. When did you have a -- when did you 2 first have an initial draft map completed? 3 A. Using the real data? I mean, not an 4 estimate. 5 Q. Did you have an initial draft made from 6 the estimates? 7 A. I had a -- I roughed -- again, it wasn't 8 -- it wasn't something that would have -- it wasn't 9 to zero deviation. It was just roughed-out 10 counties. 11 So yes, when I came back from my May 12 meetings, I roughed out a map using the estimates on 13 Maptitude just to get a feel for what areas needed 14 to be added and subtracted from various districts. 15 But, again, it was -- it was not -- it 16 was not to deviation and it was knowing that the 17 estimates were going to be off by thousands, if not 18 tens of thousands, which they turned out to be. 19 Q. When was that draft completed? 20 A. The end of May. 21 Q. Did you save a copy of that draft? 22 A. No. 23 Q. After that, when was the next draft 24 using official data completed? 25 A. After my round of calls in September.</p>	<p style="text-align: right;">Page 104</p> <p>1 She felt strongly about picking up facilities and 2 universities and things rather than just random 3 citizens. 4 Q. And what precinct did you take out from 5 District 7 in exchange? 6 A. Well, it was a split at an adjacent 7 precinct. Whitfield, I think, was the name of it. 8 Q. How do you choose that precinct? 9 A. It just was adjacent to it. 10 Q. That was the only factor? 11 A. That was the only factor. 12 Q. So you had the draft completed, you 13 said, mid September? 14 A. Yeah. And just to give a more complete 15 answer, I also had to do a -- change the split a 16 little bit in Lauderdale based on conversations with 17 Congressman Adderholt. I had conversations with 18 Representative -- Congressman Moore's 19 representative, Bill Harris, about he would have 20 preferred a change in Monroe rather than the way I 21 did it in Escambia. 22 So they were each -- not every district. 23 But a number of districts had these little minor 24 things that we talked through at that point. 25 Q. Beyond any minor changes -- and I assume</p>
<p style="text-align: right;">Page 103</p> <p>1 So probably mid -- mid to late September would have 2 been the next draft. And then I did a round of 3 calls to go over those maps and make any last 4 changes before the last week. 5 Q. A round of calls being the calls that 6 you discussed with the U.S. congress 7 representatives? 8 A. Yes. 9 Q. Did you make any further changes to the 10 draft based on any feedback you received from those 11 calls? 12 A. Very minorly. Congresswoman Sewell, I 13 had split a precinct in Montgomery County that she 14 did not want split. So I put it back together and 15 split in a different -- an adjacent precinct. But 16 very, very minorly. 17 Q. What precinct was that? 18 A. It was the Acadome precinct. I had 19 split the university into two different districts, 20 and she, I think wanted it all in her district. So 21 I put that back together. 22 Q. Do you know why she wanted that all in 23 her district? 24 A. I don't. I mean, other than that was 25 one of her principles in this redistricting process.</p>	<p style="text-align: right;">Page 105</p> <p>1 this is more kind of a precinct-by-precinct type 2 change that you're referring to there, correct? 3 A. Yes, sir. 4 Q. Beyond that, were there any changes that 5 you made based on those calls that you would 6 consider to be significant changes? 7 A. No. 8 Q. So once you had the draft completed in 9 mid September and then had the calls with the 10 various representatives to go over that, then you 11 made whatever minor changes you could based on that 12 feedback. 13 When did you have the next draft 14 completed? 15 A. Going into the last -- the next to last 16 week of October. And in some of these -- as you 17 well know, with congressional schedules, it's not 18 like I had seven congressmen lined up to talk to me 19 at 9:00 o'clock on a Monday morning. This took over 20 a course of weeks. I would, you know, schedule, and 21 move and change for voting schedules and all the 22 wonderful things that go on with dealing with 23 congressmen. 24 Q. And in that same time frame, you were 25 also drawing three other maps?</p>

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1 A.	Correct.		1 when you met with Senator McClendon and
2 Q.	And meeting with all of the		2 Representative Pringle about the draft map?
3 representatives and senators and all of that?			3 MR. WALKER: I'm going to object to
4 A.	Yes, sir.		4 attorney-client privilege to the extent that I was
5 Q.	Was there any other drafts that you had		5 present in the room and we were having an
6 other than the first one that you made using the			6 attorney-client communication. If you had any
7 unofficial data in the summer of 2021, the next			7 communications with them that I was not present, you
8 draft that you made using the official data in mid			8 may answer the question.
9 September 2021, and then the draft that you had			9 A. There were -- they just looked at the
10 based on the congressional representatives' feedback			10 map. There was nothing substantive in terms of a
11 that was completed the week before the special			11 response.
12 session in October of 2021? Were there any other			12 Q. And are you going to refuse to answer
13 drafts that you made of the 2021 congressional map?			14 any questions that I were to ask you that would
14 A.	No.		15 involve any discussions that you had where
15 Q.	Between those last two drafts that we		15 Mr. Walker was present?
16 discussed, between September 2021 and the special			16 MR. WALKER: I would instruct him not to
17 session, did you meet with anyone else to discuss			17 answer those questions if other conditions
18 the redrawing of the 2021 map, congressional map,			18 indicating it was an attorney-client privilege were
19 other than the seven representatives and Senator			19 present.
20 McClendon and Representative Pringle?			20 Let me -- let me clarify that for you.
21 A.	And legal counsel.		21 If I believed we had a conversation that was an
22 Q.	Anyone else?		22 attorney-client privilege, I would -- I would
23 A.	No.		23 instruct him not to answer the question. I don't
24 Q.	At that time, did you consider		24 think that all the conversations I had with him were
25 Mr. Walker to be your attorney?			25 covered by the privilege.
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1 A.	I considered him to be the		1 MR. THOMPSON: When you say you don't
2 reapportionment committee's attorney.			2 think that all of the conversations you had with
3 Q.	Did you consider him to represent you		3 him, do you mean nonsubstantive conversations like
4 personally?			4 lunch and dinner?
5 A.	I don't know how to answer that. I		5 MR. WALKER: Certainly that would be
6 didn't -- I didn't feel I needed representation at			6 included. What I'm saying is there -- I can think
7 that point personally.			7 of times when he and I were speaking, although I may
8 Q.	Did you have any sort of retention		8 not know exactly what we were talking about, when
9 agreement with Mr. Walker or his office?			9 there were other people in the room who were not
10 A.	No.		10 within the privilege. And we may have been talking
11 Q.	Once you had the draft completed of the		11 about the map. I just don't know.
12 2021 congressional map the week before the special			12 But there were certain times when I
13 session, who did you provide it to?			13 reviewed with him specifically the map. And I would
14 A.	Well, obviously, all of the members saw		14 contend that that's covered by the attorney-client
15 their districts. But they didn't really see the			15 privilege.
16 rest of the map. The members of congress saw their			16 MR. THOMPSON: Understood. And you
17 district, but they didn't really -- and adjacent			17 would instruct him not to answer on those.
18 districts. But they didn't really see the rest of			18 MR. WALKER: Yeah.
19 the map.			19 Q. And would you follow that instruction?
20 I think at that last week, I went			20 A. Yes.
21 through that map with Representative Pringle and			21 Q. So walk me through the timeline, then,
22 Senator McClendon and Dorman Walker. Obviously,			22 once you provided the draft to Senator McClendon and
23 Donna Loftin, who runs the office, was in the			23 Representative Pringle. What happened with the map
24 background during most of this.			24 at that point?
25 Q.	What sort of feedback did you receive		25 A. I mean, once it was finalized and they

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<p style="text-align: right;">Page 110</p> <p>1 made no changes to it, it was submitted to be drawn 2 up into a bill and prepared to be presented at the 3 -- be sent out to the members of the reapportionment 4 committee the following Monday and then voted on in 5 committee on Tuesday.</p> <p>6 Q. Were there any changes made to the map 7 by the reapportionment committee?</p> <p>8 A. No.</p> <p>9 Q. Were there any changes made to the map 10 after it was submitted to the legislature?</p> <p>11 A. No.</p> <p>12 Q. So the version of the map that you 13 completed the week before the special session is 14 identical to the version of the map that was 15 ultimately enacted that we've marked as Exhibit 5, 16 Plaintiff's Exhibit 5, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Did you save any drafts of the 2021 19 congressional map?</p> <p>20 A. No, sir. The way Maptitude works is it 21 just -- every time you make a change, it saves -- it 22 saves the map at that point. So previous iterations 23 don't -- don't really exist.</p> <p>24 Q. Did you print out any copies of any 25 drafts?</p>	<p style="text-align: right;">Page 112</p> <p>1 have preferred sort of a whole county map with 2 two -- I would call them influence districts.</p> <p>3 THE REPORTER: What districts?</p> <p>4 A. Influence districts</p> <p>5 Q. Would that be the same as -- I've heard 6 "opportunity district." Would "influence district" 7 and "opportunity district" be about the same?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And what's your understanding of what an 10 influence district or opportunity district is?</p> <p>11 A. It would be a district that would be 12 less than a majority of EVAP, but still have a 13 substantial population of minorities that could 14 potentially impact the election of a candidate of 15 their choice.</p> <p>16 Q. And when we say "minorities" here 17 specifically, are we referring to the black voting 18 age population?</p> <p>19 A. Primarily here in Alabama, you would be 20 referring to the black voting age population.</p> <p>21 Q. So if in this case the court were to 22 find that the maps do not comply with the Voting 23 Rights Act or the 14th Amendment and they needed to 24 be modified, do you expect that you would be the one 25 that would be asked to make those modifications?</p>
<p style="text-align: right;">Page 111</p> <p>1 A. No.</p> <p>2 Q. Do you have any notes that you took or 3 used while drafting the 2021 congressional map?</p> <p>4 A. No. I mean, I'm sure I had a scrap of 5 paper somewhere that said Congressman Moore would 6 rather split Escambia and Congressman Carl would 7 rather split Monroe. But they were -- all these 8 things were so -- there were not very many of them. 9 There weren't too many. I didn't need notes to 10 remember that.</p> <p>11 Q. Do you have any of those notes saved?</p> <p>12 A. No.</p> <p>13 Q. If you needed to modify the maps now, do 14 you have any estimate of about how long that would 15 take you to do?</p> <p>16 A. Modify in what way?</p> <p>17 Q. For instance, are you familiar with what 18 this lawsuit is about?</p> <p>19 A. Well, it's three different lawsuits, if 20 I understand it correctly.</p> <p>21 Q. What is your understanding of the three 22 different lawsuits?</p> <p>23 A. I think two of the -- well, two of the 24 lawsuits I think would have preferred two majority 25 black districts. And the Singleton lawsuit would</p>	<p style="text-align: right;">Page 113</p> <p>1 A. I don't have a crystal ball. I can't 2 predict the future.</p> <p>3 Q. Is that something that's covered in your 4 contract?</p> <p>5 A. It is not.</p> <p>6 Q. If you were asked to modify the map to 7 make changes to comply with the Voting Rights Act or 8 the 14th Amendment, in that situation, do you have 9 any estimate about how long it would take you to do 10 that?</p> <p>11 A. No. I mean, asked by whom?</p> <p>12 Q. The Alabama state legislature, the 13 courts, Mr. Walker, any of us.</p> <p>14 A. No. I mean, I -- conceptually, I guess 15 that would depend on what the court deemed changes 16 were.</p> <p>17 Q. Is that something that you think you 18 could complete within a month?</p> <p>19 A. I would hope so. I don't know.</p> <p>20 Q. Is it something you think you could 21 complete within a week?</p> <p>22 A. You're asking me a hypothetical about 23 something that hasn't happened, and I don't have a 24 clue what the changes would be.</p> <p>25 Q. When you met with Congressman Sewell,</p>

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<p style="text-align: right;">Page 114</p> <p>1 did you receive any specific instructions from her 2 about how to draw District 7?</p> <p>3 A. No, not specifically. Again, it was 4 more of -- our initial meetings were more of here is 5 what the estimates show, here is -- you're 6 obviously -- the district is going to be 7 underpopulated. Let's talk about areas where you 8 may -- may pick up population to get closer to the 9 ideal.</p> <p>10 As I said earlier, she was interested in 11 facilities and universities and some companies and 12 military, like Maxwell, and so forth. So she was 13 interested in things above and beyond just picking 14 up additional voters or citizens. So we talked 15 about that briefly.</p> <p>16 And then we just went through the most 17 likely areas where she could pick up additional 18 population. And the most likely in my mind, again, 19 to present to her as options were counties that were 20 split.</p> <p>21 For example, Clarke County was -- under 22 this map, the 2011 map, was split between 7 and 1. 23 We know 1 is going to be over. We knew -- at the 24 beginning, we didn't know how much. But we knew 1 25 would be over, and we knew 7 would be under.</p>	<p style="text-align: right;">Page 116</p> <p>1 she wanted that in her district not split. So we 2 talked about things like that.</p> <p>3 Q. Do you remember the name of that 4 university in Montgomery?</p> <p>5 A. Yeah, I do. I'm blanking on it at the 6 moment. Alabama -- is it State?</p> <p>7 MR. WALKER: Alabama State, ASU.</p> <p>8 A. ASU. ASU. Sorry.</p> <p>9 Q. Other than those things that you just 10 discussed, did you receive any other instructions or 11 feedback from Congressman Sewell about how to draw 12 District 7?</p> <p>13 A. No, not at that time. We did -- in the 14 next round of those talks after we had real numbers, 15 we did talk about some of the changes in Jefferson.</p> <p>16 In this -- in the 2011 map, some of the 17 precincts of Homewood -- I think there were three or 18 four Homewood precincts. Some were in her district, 19 and some were in 6. She thought that maybe it might 20 make sense for all of them to be in one district.</p> <p>21 She would be happy if they were hers, which I did.</p> <p>22 So we talked about a few things like 23 that in the next round of discussions.</p> <p>24 Q. Did you discuss anything else with her 25 about how to draw her map?</p>
<p style="text-align: right;">Page 115</p> <p>1 So a logical thing, in my mind anyway, 2 would be let's put Clarke County back together. And 3 whatever population that is, let's put that into 7.</p> <p>4 And also we talked about some of the 5 changes that would happen that would cascade to her 6 from north Alabama. As we knew, District 5 would be 7 over. The only place District 5 can go to is to 8 District 4 because it's the only district adjacent 9 to it. And that would then put District 4 over. 10 And one of the options was for her to pick up some 11 more of District 4 in Tuscaloosa. So we talked 12 about that.</p> <p>13 And then we talked about potential 14 changes in Jefferson, another area where she could 15 pick up additional population.</p> <p>16 Q. You mentioned that she wanted 17 universities in her district. What were the names 18 of the universities she wanted?</p> <p>19 A. She wanted to make sure that whatever 20 changes we made in Tuscaloosa, we kept the 21 University of Alabama in her district. She was 22 interested in picking up Maxwell Air Force Base in 23 Montgomery, if that was a possibility.</p> <p>24 As I discussed earlier, I had split a 25 precinct that had a university in Montgomery. And</p>	<p style="text-align: right;">Page 117</p> <p>1 A. No.</p> <p>2 Q. Did you discuss race at all with 3 Congressman Sewell?</p> <p>4 A. No.</p> <p>5 Q. Did she give you any instructions or 6 requests about a certain black voting age population 7 percentage that she wanted in District 7?</p> <p>8 A. She did not, other than I think there 9 was -- we both assumed, and I think she would 10 confirm, that she wanted a majority -- a majority 11 black district for her district.</p> <p>12 And she also, I should add -- there was 13 one other thing. When we initially asked every 14 member for their home addresses so we made sure we 15 had them inside their own districts, she actually 16 sent in two addresses, knowing that only one of them 17 was her official home address.</p> <p>18 One of them was also her home -- her 19 mother's home or whatever in Dallas County. And she 20 wanted -- would prefer that both of those addresses 21 be inside her district. So that was one request she 22 made.</p> <p>23 Q. Was that an accommodation you had to 24 change the map to --</p> <p>25 A. No. They were -- it was already</p>

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<p style="text-align: right;">Page 118</p> <p>1 happening. They both were -- they both under this 2 map were in her district, and they both under this 3 map were in her district.</p> <p>4 Q. Going back to your prior statement, you 5 said that you didn't discuss race with Congressman 6 Sewell; is that correct?</p> <p>7 A. Not at that point.</p> <p>8 Q. Did you at some point?</p> <p>9 A. In the last week, she did ask what was 10 the BVAP of my -- her district.</p> <p>11 Q. And what did you tell her?</p> <p>12 A. I told her it was 54.22.</p> <p>13 Q. And what did she say?</p> <p>14 A. She didn't -- I mean, she was 15 comfortable with that, I guess. She didn't comment 16 further. She didn't ask me to make any changes, I 17 guess, if that's what you're asking me.</p> <p>18 Q. You said before then that you both 19 assumed that she wanted a majority black population. 20 What are you basing that off of?</p> <p>21 A. I don't even know if it's an assumption. 22 I think she -- I think she did say that, that she 23 would prefer to continue to have a majority black 24 district.</p> <p>25 Q. You think she said that, or you know she</p>	<p style="text-align: right;">Page 120</p> <p>1 Alabama legislators or their staff about the 2021 2 congressional maps?</p> <p>3 A. No. Maybe -- maybe right before we went 4 to the floor, I think I probably had a conversation 5 with the pro tem and speaker just briefly to say 6 that the members of congress were reasonably in 7 agreement on this map. But it was just sort of a 8 pro forma discussion, not about the details of the 9 map.</p> <p>10 Q. Did you speak with anyone else?</p> <p>11 A. No.</p> <p>12 Q. Did you correspond with anyone by email 13 regarding the redistricting process?</p> <p>14 A. No.</p> <p>15 Q. Did you make any recommendations to the 16 committee, the reapportionment committee, about how 17 the map should be drawn beyond just providing them a 18 copy of the map?</p> <p>19 A. No.</p> <p>20 Q. Did the reapportionment committee make 21 any requests or recommendations to you about how the 22 map should be drawn or changed?</p> <p>23 A. None other than the guidelines they 24 passed.</p> <p>25 Q. Did you receive any requests or</p>
<p style="text-align: right;">Page 119</p> <p>1 said that?</p> <p>2 A. I think she -- yeah, I think -- I think 3 she said that.</p> <p>4 Q. But you don't know for certain?</p> <p>5 A. I'm pretty confident she said that, yes.</p> <p>6 Q. Are you certain that she said that?</p> <p>7 A. I'm pretty confident she said that.</p> <p>8 Q. Just to be clear, pretty confident, but 9 not 100 percent certain, fair?</p> <p>10 A. Sure.</p> <p>11 Q. Did she say anything about any sort of 12 percentage of black voting age population that she 13 wanted in District 7?</p> <p>14 A. No.</p> <p>15 Q. Did you discuss race with any of the 16 other representatives?</p> <p>17 A. I did not.</p> <p>18 Q. So Congressman Sewell was the only 19 Congressman you discussed race with?</p> <p>20 A. Well, she's the only one who asked at 21 the end of the process what her black -- black 22 voting age population was.</p> <p>23 Q. Other than the U.S. congressional 24 representatives and Senator McClendon and 25 Representative Pringle, did you speak with any other</p>	<p style="text-align: right;">Page 121</p> <p>1 instructions about how to draw the 2021 2 congressional map from anyone else that we haven't 3 discussed yet?</p> <p>4 A. No.</p> <p>5 Q. Did you receive any feedback from anyone 6 else that we haven't discussed yet about the way 7 that the 2021 congressional map was drawn?</p> <p>8 A. No. I'm assuming you're including 9 chiefs of staff as a subset of a congressman.</p> <p>10 Q. Certainly. No one other than the 11 congressmen or their chiefs of staff or anyone else 12 that we've discussed?</p> <p>13 A. Right.</p> <p>14 MR. THOMPSON: Dorman, I think we've 15 been going a little over an hour. We're approaching 16 that lunch time. We could go a little bit longer, 17 or we could go ahead and break now. What do you 18 prefer?</p> <p>19 MR. WALKER: I'm happy with whatever 20 y'all want to do.</p> <p>21 MR. THOMPSON: Are you hungry, sir?</p> <p>22 THE WITNESS: Not overly. But I'm happy 23 to --</p> <p>24 MR. WALKER: I usually go to lunch at 25 11:30. So I'm happy to take a lunch break.</p>

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<p style="text-align: right;">Page 122</p> <p>1 MR. THOMPSON: Let's -- let's take a 2 lunch break, then.</p> <p>3 MR. WALKER: All right.</p> <p>4 THE VIDEOGRAPHER: We're off the record.</p> <p>5 The time is 11:42 a.m.</p> <p>6 (Lunch break was taken.)</p> <p>7 THE VIDEOGRAPHER: We are back on the 8 record. The time is 12:57 p.m.</p> <p>9 Q. Mr. Hinaman, before we broke for lunch, 10 we had discussed some of the conversations that you 11 had with the seven U.S. congressmen. Do you recall 12 that?</p> <p>13 A. Yes.</p> <p>14 Q. And we went into some specifics about 15 your discussions with Congressman Sewell. Or 16 Congresswoman Sewell. Excuse me. I would like to 17 discuss some of the specifics with the other 18 representatives. So I just kind of want to go down 19 the line.</p> <p>20 So starting with Representative Carl in 21 District 1, can you tell me what specifics you 22 recall from your discussions with him?</p> <p>23 A. Yes. But just to be clear, are we -- 24 you just want -- over the whole time frame, just 25 capsulize it? Or are you talking about a specific</p>	<p style="text-align: right;">Page 124</p> <p>1 in District 2.</p> <p>2 A. Well, we talked again about making 3 Montgomery County only split between 7 and 2 and 4 getting the 3rd District out of Montgomery County, 5 which was good because 2 was under anyway. So they 6 needed to pick up some people.</p> <p>7 Initially I said, well, depending on 8 what the numbers are, we might need to split off a 9 little bit of Elmore to balance out 3 if we're not 10 splitting Montgomery. But as it turned out, we 11 didn't have to do that. We did -- we did make some 12 changes to 3 in Coosa and Chilton, but we made no 13 further changes in the 2nd.</p> <p>14 We talked a little bit about the 15 Escambia and Monroe thing. Again, he would have 16 preferred not to have picked up another county. But 17 unfortunately, that was not in the cards by 739 18 people. So he needed to -- he did end up picking up 19 Escambia.</p> <p>20 And we talked about just geographically 21 making the 7th District a little more compact in 22 Montgomery from where the 2011 lines were versus to 23 what they are now in the 2021 plan.</p> <p>24 And at the end of it -- I mean, we had 25 some discussions about Maxwell going into the 7th,</p>
<p style="text-align: right;">Page 123</p> <p>1 time frame?</p> <p>2 Q. At any point in the discussions you had 3 with them in drawing the 2021 congressional map.</p> <p>4 A. Okay. So essentially from May to 5 October?</p> <p>6 Q. Correct.</p> <p>7 A. Okay. Yeah. So we talked about Clarke 8 County which was split, of course, between 7 and 9 District 1. And we talked that the 1st District 10 would likely be over or was over after we got the 11 real numbers, and that one of the solutions to that 12 would be putting Clarke County back together and be 13 putting it in 7.</p> <p>14 And then whatever else the overage was, 15 which turned out to be 739 people, that we would 16 take those out of either -- initially we said Monroe 17 or Escambia. And as it turned out, we fine tuned it 18 to Escambia. And that's where we made that change.</p> <p>19 And those are basically the discussions 20 with the 1st District congressman.</p> <p>21 Q. Did he have any objections to putting 22 all of Clarke County in District 7?</p> <p>23 A. He did not.</p> <p>24 Q. All right. Tell me what specifics you 25 recall from your discussions with Congressman Moore</p>	<p style="text-align: right;">Page 125</p> <p>1 which surprisingly he wasn't too excited about 2 initially, but at the end was comfortable with I 3 think primarily because there was some talk of 4 another BRAC, base closing commission.</p> <p>5 And Congressman Moore probably thought 6 it would be helpful to have Terri representing part 7 -- that part of Maxwell that she would have, and he 8 represents another part of Maxwell, the annex, in 9 his district. So two congresspeople fighting that 10 was maybe better than one.</p> <p>11 Q. Where is Maxwell?</p> <p>12 A. Maxwell is in the northern little part 13 of Montgomery County here that was -- in 2011 was in 14 the 2nd, but is now in the 7th.</p> <p>15 Q. With Congressman Sewell, especially in 16 the area you were just discussing there, it had 17 gotten as granular was this college or whatnot. Did 18 you have discussions to that detail with either of 19 the two representatives in District 1 or 2?</p> <p>20 A. No, other than the Maxwell, Maxwell 21 annex thing we just talked about with Congressman 22 Moore. He wanted to make sure he still had one of 23 them. And he has the annex one, which is further 24 west in Montgomery, but not the actual base itself.</p> <p>25 Q. Do you know why he wanted that in his</p>

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<p>1 district?</p> <p>2 A. Again, so they had two voices on base 3 closing issues rather than one.</p> <p>4 Q. Do you recall anything else specifically 5 from your discussions with Congressman Moore?</p> <p>6 A. No.</p> <p>7 Q. How about Congressman Rogers in District 8 3?</p> <p>9 A. Well, we talked briefly. There was a 10 little piece of Cherokee County that was split off 11 in the last redistricting, which was really somewhat 12 needless. So we talked about putting that back 13 together.</p> <p>14 We talked about again him getting out of 15 Montgomery County so that it would only be split two 16 ways instead of three. And then we talked about 17 what that might mean in terms of where he would pick 18 up.</p> <p>19 Coosa had been in the 3rd in some 20 earlier maps, meaning 2001 or sometime back in the 21 past. So he was fine picking up Coosa County from 22 6. And then for population -- obviously, population 23 reasons, he needed a little more than that. So we 24 took, I think, like 12,000 people from Chilton and 25 put it into 3 to get his population to where it</p>	<p>Page 126</p> <p>1 congressional districts.</p> <p>2 Q. Did you have any discussions with him 3 about which specific areas of Tuscaloosa to include 4 or not include?</p> <p>5 A. A little bit. I mean, we talked about 6 the precincts, the next most likely geographical 7 precincts to add into 7. We talked about them. It 8 was sort of obvious geographically where he had to 9 go next. So there wasn't much discussion about it.</p> <p>10 Q. How did you choose the precincts you 11 chose other than geography?</p> <p>12 A. Well, that's -- population and geography 13 were the only two ways to choose them.</p> <p>14 Q. Do you recall anything else, specifics 15 about your conversations with Congressman Adderholt?</p> <p>16 A. No. And then at the end -- as I said, I 17 had split a precinct in Lauderdale to get to zero 18 deviation in District 5, and he referred a different 19 precinct split. So I changed it to the one he 20 preferred. So that was -- that was one of the final 21 changes at the end that we made.</p> <p>22 Q. Moving on to Congressman Brooks in 23 District 5. What do you recall from those 24 conversations?</p> <p>25 A. Well, there weren't any because</p>
<p>1 needed to be.</p> <p>2 Q. Anything else you recall?</p> <p>3 A. No.</p> <p>4 Q. What about Congressman Adderholt in 5 District 4?</p> <p>6 A. Yeah, I talked to him numerous times. 7 Part of it is, obviously, he was going to pick up a 8 lot of folks from the 5th district. And there was 9 initial discussion on which end of the 5th, should 10 we take them from Jackson County or should we take 11 them from Lauderdale, and how was the best way to do 12 that.</p> <p>13 And we had a couple of different 14 discussions about that, and finally decided that 15 putting the Shoals -- Muscle Shoals area back 16 together as much as possible in Lauderdale was the 17 preferable way to do that. And that's what we 18 talked about.</p> <p>19 And then, obviously, that required him 20 to lose some of Tuscaloosa, a few precincts in 21 Tuscaloosa, to make up for -- to get the population 22 to equal out.</p> <p>23 And also he had a little chunk of Blount 24 County, as well, from 6. And we talked about making 25 Blount whole again and not splitting it between two</p>	<p>Page 127</p> <p>Page 129</p> <p>1 Congressman Brooks decided not to meet -- this is my 2 presumption -- because he was running for the senate 3 and had less interest in how this was going to come 4 out.</p> <p>5 I did meet the first time with his chief 6 of staff just to talk about keeping Morgan and 7 Madison together. But that was -- that was about 8 it.</p> <p>9 Q. What was the discussion there about 10 keeping Morgan and Madison together?</p> <p>11 A. The community of interest. And a number 12 of people that, obviously, live in northern Morgan 13 work in Huntsville, in Madison County, and so forth, 14 and thought it was a good combination to keep them 15 whole and together.</p> <p>16 Q. Other than that first meeting -- and I 17 guess that would have been back in May --</p> <p>18 A. May.</p> <p>19 Q. -- of 2021 with the chief of staff for 20 Congressman Brooks, did you meet with anybody else 21 on behalf of Congressman Brooks or his office?</p> <p>22 A. No. I called his chief of staff back 23 once we had, you know, roughed out a -- gotten the 24 math from the real data. And he -- he didn't call 25 me back. I called him a couple of times. And I</p>

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<p style="text-align: right;">Page 130</p> <p>1 assumed that meant he was less interested in how 2 this was going to go.</p> <p>3 Q. And then finally, what about Congressman 4 Palmer in District 6? What do you recall about 5 those conversations?</p> <p>6 A. Well, I talked to him about again 7 putting Blount back together and giving that all to 8 him. I talked to him -- in the meantime, he had -- 9 he had initially, I thought, lived in Jefferson 10 County. And then he had moved to Shelby.</p> <p>11 So I talked a little bit about making 12 sure I had the right home address for him. Because 13 I initially thought he still lived in Jefferson, but 14 he didn't. So we did have the right address in 15 Shelby. So that was fine.</p> <p>16 I talked about he may loose Coosa to the 17 3rd and a little part of Chilton. He was 18 comfortable with that. And I talked to him about 19 some of the changes in Jefferson in the 7th District 20 where geographically I was trying to make the 7th 21 District's footprint in Jefferson more compact by 22 adding western Jefferson and shortening the district 23 on the top. And I wanted him to be aware of that.</p> <p>24 But as I said earlier, we had initial 25 meetings and even a follow-up call. But when the</p>	<p style="text-align: right;">Page 132</p> <p>1 was relevant to what I was doing.</p> <p>2 Q. Jefferson County, the way it's split in 3 the 2021 congressional map, is not exactly a 4 straight line. How did you decide which areas of 5 Jefferson County would move from District 6 to 6 District 7?</p> <p>7 A. I was looking geographically to widen 8 the face of the protrusion into Jefferson -- if you 9 want to call it that, into Jefferson County. I was 10 looking to not split precincts. Those are all, 11 except for one that's split for deviation -- well, 12 two, technically. One Congressman Sewell -- 13 Congresswoman Sewell lives in and another one.</p> <p>14 But I was trying not to split precincts. 15 I was picking whole precincts. And I was trying to 16 make the district more compact, meaning widen it as 17 it goes into Jefferson County and eliminate some of 18 the longer, further-away ones at the northern part 19 of the county.</p> <p>20 Q. So how does that process work when 21 you're choosing which precincts to pick up? Are you 22 just kind of choosing at random geographically as 23 you move up and seeing what works? Or are there 24 other factors at play that you're considering?</p> <p>25 A. No, that's exactly it, seeing what works</p>
<p style="text-align: right;">Page 131</p> <p>1 final map was done, meaning that last week of 2 October, he -- he allowed as how he didn't really 3 want to -- his chief of staff told me that the 4 congressman did not really want to talk about it, 5 that he was convinced we were going to go to court, 6 and he didn't really see a need to discuss it.</p> <p>7 Q. Who was that that told you that?</p> <p>8 A. Congressman Palmer's chief of staff.</p> <p>9 Q. And when was that discussion?</p> <p>10 A. That was in mid October.</p> <p>11 Q. And why did he say that he was convinced 12 that this was going to go to court?</p> <p>13 A. I don't know. He was -- the chief of 14 staff said that -- the chief of staff said that he 15 had been told, I think, by the NRCC that this map 16 was going to go to court, and that Congressman 17 Palmer had decided to not discuss it further.</p> <p>18 Q. Did you ask him why he thought it was 19 going to court?</p> <p>20 A. No. I accepted his answer.</p> <p>21 Q. Did you have any idea about why this 22 would go to court based on that discussion?</p> <p>23 A. No.</p> <p>24 Q. And you didn't care to ask?</p> <p>25 A. It was his opinion. I didn't think it</p>	<p style="text-align: right;">Page 133</p> <p>1 numerically and making something, in my mind, look 2 more compact geographically.</p> <p>3 Q. Are there any other factors or data that 4 you're considering when you're choosing which 5 precincts to include?</p> <p>6 A. No. I mean, other than -- we had that 7 discussion about Homewood where she allowed that -- 8 we had split a couple of Homewood precincts, some on 9 one side of her line in 7 and some on the other side 10 in 6, and thought it might be good to group them all 11 together.</p> <p>12 Q. You mentioned that there were two 13 precincts that were split for deviation purposes, 14 one of which Congressman Sewell lives in you said.</p> <p>15 What were those two precincts?</p> <p>16 A. The names?</p> <p>17 Q. Do you recall?</p> <p>18 A. I do not.</p> <p>19 Q. This isn't a memory test. I just --</p> <p>20 A. I do not.</p> <p>21 Q. Okay.</p> <p>22 A. And the reason it's not one -- I was 23 trying to make the split just solely in one 24 precinct. But unfortunately the census blocks 25 didn't cooperate very much. And when I got to where</p>

<p style="text-align: right;">Page 134</p> <p>1 I got to geographically in the one -- the precinct 2 she lived in, I was hoping I could pick up the right 3 number of populations.</p> <p>4 But unfortunately I hit a situation 5 where there was like a 550 block next to it, and 6 that was too many. So that was not going to work. 7 So I had to split another precinct to get to zero 8 deviation.</p> <p>9 Q. Do you recall anything else specifically 10 from your discussions with Congressman Palmer or his 11 chief of staff in furtherance of drawing the 2021 12 congressional map?</p> <p>13 A. No.</p> <p>14 Q. And I think we discussed this earlier. 15 But in any of those discussions with any of those 16 congressmen, Congressmen Carl, Moore, Rogers, 17 Adderholt, Brooks, Palmer, did race ever come up in 18 your discussions with any of them or their staff?</p> <p>19 A. No.</p> <p>20 I mean, I'll amend that slightly. I do 21 think in the final when I went through with 22 everybody, I think maybe Congressman Moore's 23 district director, Bill Harris, who I was talking 24 to, may have asked, "Can you tell me what the BVAP 25 of the 2nd District is now?" I think I probably</p>	<p style="text-align: right;">Page 136</p> <p>1 A. I do. 2 Q. What is this document? 3 A. These are the guidelines that were 4 approved by the reapportionment committee for 5 drawing the four maps.</p> <p>6 Q. Were you provided a copy of these 7 redistricting guidelines before you drafted the 2021 8 congressional map?</p> <p>9 A. I was.</p> <p>10 Q. Who provided it to you?</p> <p>11 A. The two co-chairs, probably with Dorman 12 Walker, as well. I'm not sure who handed it to me.</p> <p>13 Q. And when was that?</p> <p>14 A. It would have been around the time it 15 was passed, May 5th.</p> <p>16 Q. What --</p> <p>17 A. Which very importantly happens to be my 18 birthday.</p> <p>19 Q. That is an important note. Thank you 20 for letting me know. Happy belated birthday.</p> <p>21 A. Thank you.</p> <p>22 Q. What were you told when you were 23 provided these guidelines?</p> <p>24 A. I was told these were the guidelines for 25 drawing the four maps that you've been contracted to</p>
<p style="text-align: right;">Page 135</p> <p>1 gave him that number.</p> <p>2 Q. And when was that?</p> <p>3 A. In the last -- that last week when we 4 turned race on.</p> <p>5 Q. You gave him the --</p> <p>6 A. He asked --</p> <p>7 Q. -- black voting age population?</p> <p>8 A. Yeah. He asked what the BVAP for that 9 district was, and I gave him that number.</p> <p>10 Q. Was there any further discussion about 11 it?</p> <p>12 A. No.</p> <p>13</p> <p>14 (Plaintiff's Exhibit 7 was 15 marked for identification.)</p> <p>16</p> <p>17 Q. I'm handing you what's been marked as 18 Plaintiff's Exhibit 7. This is a copy of the 19 reapportionment committee redistricting guidelines 20 that was produced in this lawsuit. The Bates number 21 at the bottom is RC 043723, and it's dated May 5th 22 2021.</p> <p>23 Do you see that?</p> <p>24 A. I do.</p> <p>25 Q. Do you recognize this document?</p>	<p style="text-align: right;">Page 137</p> <p>1 draw, and to follow them to the best of my 2 abilities.</p> <p>3 Q. Anything else that you recall?</p> <p>4 A. No.</p> <p>5 Q. And did you, in fact, follow these 6 guidelines in drawing the 2021 congressional map?</p> <p>7 A. I did.</p> <p>8 Q. Let's take a look at the criteria that's 9 listed here. So starting on Page 1, you see Line 10 10 there. It says Section II, Criteria for 11 Redistricting.</p> <p>12 A. Yes, sir.</p> <p>13 Q. I want to talk through these with you.</p> <p>14 So Sections II a and b both state that the 15 congressional district should equalize total 16 population and have minimal population deviation.</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. What does minimal population deviation 20 mean to you?</p> <p>21 A. I took that to mean for the 22 congressional districts, that that was -- they 23 should be zero for six of the districts and plus one 24 for the remaining district because the population 25 was not divisible by seven. So six were to zero</p>

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<p style="text-align: right;">Page 138</p> <p>1 deviation, and one should be plus one.</p> <p>2 Q. Which district did you choose to be the 3 plus one deviation?</p> <p>4 A. I knew you would ask me that. I don't 5 -- I would have to look. I think it was the 6th 6 maybe. I would have to look at a map. I don't have 7 numbers. I'm sorry.</p> <p>8 Q. Was it District 7?</p> <p>9 A. No, I don't think so. I think it was 2 10 or 6, but I can't remember which.</p> <p>11 Q. And what did you do to make sure that 12 your map complied with that zero deviation for six 13 of the districts and plus or minus one for the 14 other?</p> <p>15 A. I moved -- I split seven precincts down 16 to the census block level to get to zero deviation 17 for six of the districts and plus one for the 18 seventh one.</p> <p>19 Q. Did anyone tell you that zero percent 20 deviation was required or that there was a certain 21 cutoff that you had to reach to satisfy this 22 criteria?</p> <p>23 MR. WALKER: Objection to form. You can 24 answer.</p> <p>25 A. I was told that it was literally zero</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. So that goes back to the population 2 deviation?</p> <p>3 A. Correct.</p> <p>4 Q. And where does that understanding come 5 from?</p> <p>6 A. Where does my understanding come from?</p> <p>7 I'm sure if I had any questions about it, I asked 8 legal counsel.</p> <p>9 Q. So other than what you just discussed 10 doing for Sections II a and b in adjusting for the 11 population, did you do anything else to make sure 12 that your plan complies with the one person, one 13 vote principle?</p> <p>14 A. No.</p> <p>15 Q. Section II e looks like it just states 16 that a plan that does not comply with the population 17 requirements above will not be approved.</p> <p>18 Is there anything additional you needed 19 to consider here for this section e beyond what 20 we've already discussed?</p> <p>21 A. I don't believe so.</p> <p>22 Q. Section II f states, "Districts shall be 23 drawn in compliance with the Voting Rights Act of 24 1965 as amended. A redistricting plan shall have 25 neither the purpose nor the effect of diluting</p>
<p style="text-align: right;">Page 139</p> <p>1 deviation, meaning zero -- not percent, but zero 2 people except for the one that had to be plus one.</p> <p>3 Q. Is that plus one person?</p> <p>4 A. Yes.</p> <p>5 Q. Understood.</p> <p>6 A. Sorry. Plus one person.</p> <p>7 Q. And who told you --</p> <p>8 A. Dorman Walker, legal counsel.</p> <p>9 Q. Section II c looks like it's about 10 legislative and board of education districts. So I 11 don't think that would apply to the congressional 12 map. Is that correct?</p> <p>13 A. Correct.</p> <p>14 Q. Section II d says that the plan must 15 comply with the one person, one vote principle of 16 the Equal Protection Clause of the 14th Amendment of 17 the United States Constitution.</p> <p>18 Do you understand what the one person, 19 one vote principle is?</p> <p>20 A. I think I do.</p> <p>21 Q. What's your understanding?</p> <p>22 A. Again, that's so no -- so people have 23 equal representation, the representatives in those, 24 in the congressional case, should be representing 25 the same number of people.</p>	<p style="text-align: right;">Page 141</p> <p>1 minority voting strength, and shall comply with 2 Section 2 of the Voting Rights Act and the United 3 States Constitution."</p> <p>4 Are you familiar with the Voting Rights 5 Act of 1965?</p> <p>6 A. I'm not a lawyer, but I'm familiar with 7 it.</p> <p>8 Q. What is your understanding?</p> <p>9 A. Well, that the -- a plan should not have 10 the intent or purpose of discriminating against any 11 minority population.</p> <p>12 Q. Where does that understanding come from?</p> <p>13 A. Just conversations with legal counsel 14 and others during the process.</p> <p>15 Q. Are you familiar with Section 2 of the 16 Voting Rights Act?</p> <p>17 A. Again, I'm not a lawyer. But vaguely.</p> <p>18 Q. Have you ever read Section 2 of the 19 Voting Rights Act?</p> <p>20 A. I'm not sure I have.</p> <p>21 Q. What is your understanding of what 22 Section 2 requires?</p> <p>23 A. Where there -- I guess my understanding 24 of it, a layman's understanding of it, would be 25 where there's a sufficient and compact enough</p>

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<p style="text-align: right;">Page 142</p> <p>1 population of -- minority population to create a 2 district, a congressional district in this case, 3 that a district should be drawn if it's compact and 4 sort of meets the Gingles, I guess, requirements, 5 compact, contiguous population.</p> <p>6 Q. Where there would be a majority black 7 district?</p> <p>8 A. Right, and would have the opportunity to 9 elect a candidate of their choice.</p> <p>10 Q. And does that understanding come from 11 the same sources, conversations with counsel?</p> <p>12 A. Yes, sir.</p> <p>13 Q. What did you do to make sure that your 14 plan complies with Section 2 of the Voting Rights 15 Act?</p> <p>16 A. Again, once it was done and we turned on 17 race, we talked about it. No one asked me to make 18 any other changes. And I talked to legal counsel 19 and, I guess, concluded that it satisfies Section 2 20 of the Voting Rights Act.</p> <p>21 Q. Anything else?</p> <p>22 A. No.</p> <p>23 Q. Did you personally make a determination 24 that your plan does not have the purpose or effect 25 of diluting minority voting strength?</p>	<p style="text-align: right;">Page 144</p> <p>1 numbers related to the map.</p> <p>2 Q. Did you have anyone other than 3 Mr. Walker or someone with his firm analyze your map 4 at any point to confirm that it complies with 5 Section 2 of the Voting Rights Act?</p> <p>6 A. I did not.</p> <p>7 Q. Do you know if anyone reviewed the map 8 to determine whether it complies with Section 2 of 9 the Voting Rights Act, other than potentially 10 Mr. Walker and his firm?</p> <p>11 A. I do not, no.</p> <p>12 Q. And other than what we've discussed 13 already, did you do anything else to make sure that 14 your plan complies with Section 2 of the Voting 15 Rights Act?</p> <p>16 A. I did not.</p> <p>17 Q. Moving on to the next criteria, Section 18 II g. This one is a little longer.</p> <p>19 It states, "No district will be drawn in 20 a manner that subordinates race-neutral districting 21 criteria to considerations of race, color, or 22 membership in a language-minority group, except that 23 race, color, or membership in a language-minority 24 group may predominate over race-neutral districting 25 criteria to comply with Section 2 of the Voting</p>
<p style="text-align: right;">Page 143</p> <p>1 A. I'm -- I'm not a lawyer, so I don't know 2 that I can make that -- I don't know that it's my 3 job to make that distinction. But I don't believe 4 it discriminated against anyone.</p> <p>5 Q. Did you do anything to make that 6 determination yourself?</p> <p>7 A. Other than talk to legal counsel, no.</p> <p>8 Q. Other than potentially legal counsel, 9 did you have discussions with anyone else about 10 whether your plan complied with Section II of the 11 Voting Rights Act?</p> <p>12 A. No.</p> <p>13 Q. In making the determination, whether 14 that's through conversation with legal counsel or 15 not, about whether your plan complies with this 16 policy, did that require you to review the racial 17 makeup of the districts?</p> <p>18 A. Well, yeah. I mean, race -- at that 19 point, we had turned race on. So the BVAPs and 20 numbers were available.</p> <p>21 Q. And you say they were available. So 22 then you had to review them, as well, to make sure 23 that everything was in compliance with this policy?</p> <p>24 A. Well, we -- the numbers were then 25 revealed or available, and we discussed the various</p>	<p style="text-align: right;">Page 145</p> <p>1 Rights Act, provided there is a strong basis in 2 evidence in support of such a race-based choice. A 3 strong basis in evidence exists when there is good 4 reason to believe that race must be used in order to 5 satisfy the Voting Rights Act."</p> <p>6 Do you see that?</p> <p>7 A. I do.</p> <p>8 Q. What is your understanding of what that 9 section requires?</p> <p>10 A. My understanding of what that section 11 requires is that's why -- when we made all of our 12 changes to the districts by adding or subtracting 13 population, that's why race was not on. We did it 14 based on total population. And then at the end of 15 the process, we did turn race on to look at various 16 districts.</p> <p>17 And because we were doing a number of 18 these maps at the same time, there were a couple of 19 instances in the other maps where we did look at 20 race to add to a district. But that did not come 21 into play in congressional.</p> <p>22 Q. What, if anything, did you do to make 23 sure that specific congressional districts complied 24 with this policy?</p> <p>25 A. I made sure that when I added -- I used</p>

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<p style="text-align: right;">Page 146</p> <p>1 traditional redistricting principles of total pop 2 and geography considerations to add and subtract to 3 these districts, and that that was not based on 4 race.</p> <p>5 Q. Flip the page to Page 2. The next 6 section is Section 2 h, and it states that districts 7 must be composed of contiguous and reasonably 8 compact geography.</p> <p>9 What is your understanding of what this 10 section requires?</p> <p>11 A. Yeah, obviously contiguous counties 12 and/or precincts had to be adjacent, to be hooked 13 together, to form a district. You couldn't have 14 part of Madison County tied to Mobile or something 15 crazy like that.</p> <p>16 And to the extent possible, I was trying 17 to, when changing things inside a county as 18 Jefferson, I was trying to make -- or Montgomery, 19 for that matter, tried to make districts more 20 geographically compact so they were not as spread 21 out.</p> <p>22 Q. Beyond what you just mentioned with 23 Montgomery -- sorry. Was that Jefferson County?</p> <p>24 A. And Montgomery, too.</p> <p>25 Q. And Montgomery County. Beyond that,</p>	<p style="text-align: right;">Page 148</p> <p>1 already basically been covered in other things we've 2 discussed.</p> <p>3 Q. Anything else that you had to take into 4 account to comply with this policy?</p> <p>5 A. I don't think so.</p> <p>6 Q. Section II j starting at Line 21 there. 7 Section II j lists six redistricting policies. Do 8 you see that?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Sorry. Can you answer verbally?</p> <p>11 A. Yes. Sorry.</p> <p>12 Q. That's fine.</p> <p>13 Did you consider these redistricting 14 policies when drawing your map?</p> <p>15 A. I did.</p> <p>16 Q. How?</p> <p>17 A. Well, I wanted to make sure that no -- 18 to the extent possible that no incumbents were put 19 together, which they were not, in the congressional 20 map. While continuity by water was allowed, I was 21 trying to not use that. Which I don't think we did.</p> <p>22 I don't know how far down your --</p> <p>23 Q. I can walk through them with you. That 24 might make more sense.</p> <p>25 First off, did anyone explain to you</p>
<p style="text-align: right;">Page 147</p> <p>1 what did you do to make sure that your plan complies 2 with this policy?</p> <p>3 A. That's about it.</p> <p>4 Q. Moving on to the next section, Section 5 II i. It lists several requirements of the Alabama 6 Constitution. I'm not going to read all of them 7 here.</p> <p>8 Did you consider these factors in 9 drawing your map?</p> <p>10 A. I did.</p> <p>11 Q. It appears, just by looking at them, 12 that most of them do not apply to the congressional 13 map. Rather, they talk about Alabama senate and 14 Alabama house. Is that right?</p> <p>15 A. Correct.</p> <p>16 Q. How did you consider these factors here 17 under Section II i in drawing the congressional map?</p> <p>18 A. Well, I don't know how far down this 19 list -- I don't know how far down this list you're 20 counting.</p> <p>21 Q. It looks like II i. It's from Line 3 22 down to Line 20 on Page 2 of Exhibit 7.</p> <p>23 A. As you say, most of them don't really 24 apply. They are all -- all districts will be 25 single-member districts, they're contiguous. That's</p>	<p style="text-align: right;">Page 149</p> <p>1 what these policies mean?</p> <p>2 A. No. I'm sure if I had a question, I 3 would have asked legal counsel. But I don't 4 remember asking.</p> <p>5 Q. Similarly, did anyone explain to you how 6 to apply these policies in drawing the map?</p> <p>7 A. No.</p> <p>8 Q. What is your understanding of the 9 priority amongst these various policies?</p> <p>10 A. I think the only two that are paramount 11 to the rest of them would be one person, one vote 12 and the Voting Rights Act.</p> <p>13 The rest of them are somewhat -- can 14 occasionally be in conflict. And it depends on the 15 various situations where one might trump the other 16 or vice versa.</p> <p>17 You may have two incumbents that live 18 very close to one another. Maybe they need to be 19 split apart. That may make the districts not quite 20 as compact as you would like. But one of those -- 21 you know, you couldn't put the two incumbents 22 together. So sometimes they are in conflict, and 23 you have to resolve that.</p> <p>24 Q. Other than the two you just mentioned, 25 one person, one vote and the Voting Rights Act, did</p>

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<p style="text-align: right;">Page 150</p> <p>1 you place any greater importance on one of these 2 policies over the other?</p> <p>3 A. No.</p> <p>4 Q. Let's walk through these. So the first 5 policy under Section J starting on Line 25 there 6 states, "Contests between incumbents will be avoided 7 whenever possible."</p> <p>8 What's your understanding of what this 9 requires?</p> <p>10 A. That when -- certainly when possible, I 11 would not put incumbents in the same district.</p> <p>12 Q. What did you do to make sure that you 13 complied with that?</p> <p>14 A. Retrieved -- made sure that we retrieved 15 all of the home addresses and looked to where they 16 were and made sure two of them were not in the same 17 district.</p> <p>18 Q. You might have answered this earlier. 19 But did you have to make any modifications to your 20 map to comply with this?</p> <p>21 A. Not the congressional map.</p> <p>22 Q. This factor applies equally to both 23 parties, correct?</p> <p>24 A. Certainly, yes.</p> <p>25 Q. So you applied it equally to all</p>	<p style="text-align: right;">Page 152</p> <p>1 A. No.</p> <p>2 Q. Did you have to make any modifications 3 to your map to comply with this policy?</p> <p>4 A. I did not.</p> <p>5 Q. The third one -- the third policy, which 6 is Section II j(iii,) states, "Districts shall 7 respect communities of interest, neighborhoods, and 8 political subdivisions to the extent practicable and 9 in compliance with paragraphs a through i."</p> <p>10 What is your understanding of what this 11 policy requires?</p> <p>12 A. It requires -- like I said earlier, in 13 areas; for example, Mobile and Baldwin which wanted 14 to stay together or Madison and Morgan that had 15 specific communities of interest, it was to keep 16 areas together that have similar -- and, obviously, 17 there are lots of different communities of interest. 18 So I tried to keep areas, to the extent possible, 19 together.</p> <p>20 Obviously, this comes into conflict with 21 county lines, precinct lines, other things. So it's 22 not always -- and everybody has -- a number of 23 people have different views of what communities of 24 interest are. So it's certainly not always possible 25 to keep all of them together.</p>
<p style="text-align: right;">Page 151</p> <p>1 incumbents, both the republicans and to the 2 democrat, correct?</p> <p>3 A. Correct.</p> <p>4 Q. The second policy there, Section II 5 j(ii) starting on Line 26, states -- I don't know 6 why I'm having trouble pronouncing the word. 7 "Contiguity by water is allowed, but point-to-point 8 contiguity and long-lasso contiguity is not."</p> <p>9 What is your understanding of what that 10 policy requires?</p> <p>11 A. I'm not sure I even know what long-lasso 12 contiguity is, to be honest with you.</p> <p>13 But point-to-point, occasionally you can 14 have a precinct or a census block that connects to 15 the next one just by one point in space. And that's 16 not -- under their guidelines, not allowable in 17 terms of connecting them together.</p> <p>18 Again, on the congressional map, it 19 didn't come into play very much because I tried not 20 to split -- I only split seven precincts and tried 21 not to have situations where census blocks were -- 22 weren't any -- weren't close to any of those options 23 there.</p> <p>24 Q. Did you have to do anything else to make 25 sure your plan complied with this policy?</p>	<p style="text-align: right;">Page 153</p> <p>1 Q. What is your definition of a community 2 of interest?</p> <p>3 A. My definition of community of interest, 4 it can be geographic, it can be economic, where 5 people work, it can be racial, it could be 6 geography, it could be people on the bay, for 7 example, for Mobile and Baldwin counties. A host 8 of -- a host of communities of interest.</p> <p>9 Q. What do you consider to be communities 10 of interest in Alabama?</p> <p>11 A. All those things I just listed.</p> <p>12 Q. Is there any sort of particular 13 communities of interest that are well established or 14 a list of any of these? Or is this just something 15 that is subjectively known but doesn't really exist 16 in writing anywhere?</p> <p>17 A. I don't know of a definitive list of all 18 the communities of interest in Alabama.</p> <p>19 Q. Are there any specific communities of 20 interest that come to mind for you right now?</p> <p>21 A. No, other than the ones I listed. I 22 mean, precincts can be -- counties are, I guess, 23 communities of interest sometimes. I mean, it's -- 24 there are a whole host of things.</p> <p>25 Q. It sounds like communities of interest</p>

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<p style="text-align: right;">Page 154</p> <p>1 can be somewhat fluid. Is that fair to say?</p> <p>2 A. It is fair to say.</p> <p>3 Q. One area, say, where we're sitting right</p> <p>4 now in Montgomery, could be part of three, four,</p> <p>5 five, six different communities of interest</p> <p>6 depending on what factors you're looking at?</p> <p>7 A. Yeah, whether they're economic or racial</p> <p>8 or social or everybody roots for the same football</p> <p>9 team, I suppose.</p> <p>10 Q. Do they?</p> <p>11 A. No.</p> <p>12 Q. I see. I see. That would be a</p> <p>13 community of interest perhaps.</p> <p>14 Are you familiar with the black belt?</p> <p>15 You mentioned that earlier.</p> <p>16 A. I am.</p> <p>17 Q. What is the black belt?</p> <p>18 A. It's a group of mostly rural counties</p> <p>19 that have a -- for the most part have a majority</p> <p>20 black population.</p> <p>21 Q. Do you know what counties are in the</p> <p>22 black belt?</p> <p>23 A. I'm not sure I can list every one. But</p> <p>24 yeah, in general, I do.</p> <p>25 Q. What counties would you say are in the</p>	<p style="text-align: right;">Page 156</p> <p>1 for example, the Muscle Shoals area together in</p> <p>2 the -- in the 4th District when we split Lauderdale.</p> <p>3 Not that it was at issue, but the people in Mobile</p> <p>4 and Baldwin very much wanted to be together because</p> <p>5 they share the bay. But that didn't require a</p> <p>6 change. It just is a . . .</p> <p>7 Q. Other than the modification for the</p> <p>8 Muscle Shoals community, are there any other</p> <p>9 specific modifications that you felt like you made</p> <p>10 in drawing the 2021 map?</p> <p>11 A. No, not specifically.</p> <p>12 Q. Does your map split any communities of</p> <p>13 interest?</p> <p>14 A. Oh, I'm sure it does. I mean, all maps</p> <p>15 split some communities of interest.</p> <p>16 Q. And part of that is because of what we</p> <p>17 just discussed, that communities of interest can</p> <p>18 mean lots of different things?</p> <p>19 A. To different people, I'm sure.</p> <p>20 Q. Looking at the bottom of Section II</p> <p>21 j(iii,) that third policy, it gives a definition.</p> <p>22 It says, "The term communities of interest" --</p> <p>23 excuse me.</p> <p>24 It says, "A community of interest is</p> <p>25 defined as an area with recognized similarities of</p>
<p style="text-align: right;">Page 155</p> <p>1 black belt?</p> <p>2 A. I would say Sumpter, Greene, Choctaw,</p> <p>3 Marengo, Hale, Perry, Dallas, Wilcox, Lowndes, I</p> <p>4 guess Macon and Bullock. Some would say Montgomery.</p> <p>5 Q. Do you consider the black belt to be a</p> <p>6 community of interest?</p> <p>7 A. I do.</p> <p>8 Q. So in drawing your map, what did you do</p> <p>9 to make sure that your plan complies with this</p> <p>10 policy, that it respected communities of interest?</p> <p>11 A. Again, I mean, because there are so many</p> <p>12 different communities of interest, they're not -- I</p> <p>13 mean, no plan is going to respect all of them. So</p> <p>14 there are trade-offs.</p> <p>15 There are also -- you know, the entire</p> <p>16 black belt I imagine if you made into a</p> <p>17 congressional district would accomplish -- would hit</p> <p>18 up against other one person, one vote issues and</p> <p>19 other issues in here, as well. So they are</p> <p>20 sometimes in conflict. So you can't -- you can't</p> <p>21 satisfy all communities of interest.</p> <p>22 Q. Did you have to make any specific</p> <p>23 modifications to your map to make sure that you were</p> <p>24 respecting communities of interest?</p> <p>25 A. No. Although, again, I tried to keep,</p>	<p style="text-align: right;">Page 157</p> <p>1 interests, including but not limited to ethnic,</p> <p>2 racial, economic, tribal, social, geographic, or</p> <p>3 historical identities. The term communities of</p> <p>4 interest may in certain circumstances include</p> <p>5 political subdivisions such as counties, voting</p> <p>6 precincts, municipalities, tribal lands and</p> <p>7 reservations, or school districts."</p> <p>8 Did you review any ethnic, racial,</p> <p>9 tribal, or other similar data to identify</p> <p>10 communities of interest?</p> <p>11 A. I did not.</p> <p>12 Q. Moving to the next policy, the fourth</p> <p>13 policy, Section II j(iv.) It states, "The</p> <p>14 legislature shall try to minimize the number of</p> <p>15 counties in each district."</p> <p>16 I think that's pretty self-explanatory.</p> <p>17 But what is your understanding of what that policy</p> <p>18 requires?</p> <p>19 A. Yeah, that's sort of a compactness</p> <p>20 thing. I was trying to keep the fewest number of</p> <p>21 counties necessary to -- and it's not always --</p> <p>22 there are other -- the next one down says</p> <p>23 "preserving cores of existing districts."</p> <p>24 I mean, some of these things come into</p> <p>25 conflict. But to where possible, I tried to deal in</p>

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<p style="text-align: right;">Page 158</p> <p>1 whole counties, keeping counties whole, and the 2 minimum number to reach the ideal population. 3 Q. Did you have to make any specific 4 modifications to your map to comply with that 5 policy? 6 A. No. Although it does come into effect 7 when people were talking about adding -- where you 8 split a -- for example, the Escambia County split, 9 you know, where does that go.</p> <p>10 I was trying to keep districts so that 11 not all of the splits were in the same district and 12 the number of counties in a particular district 13 didn't grow a lot. Because for a congressional 14 office, that takes on local governments and more 15 work. So I tried to be mindful of that when looking 16 at it.</p> <p>17 Q. Other than trying to be mindful of that, 18 did you have to make any specific changes?</p> <p>19 A. No.</p> <p>20 Q. You referenced it just now. The next 21 policy, the fifth policy, Section II j(v) states, 22 "The legislature shall try to preserve the cores of 23 existing districts."</p> <p>24 What is your understanding of what that 25 policy requires?</p>	<p style="text-align: right;">Page 160</p> <p>1 district is? 2 A. I did not. 3 Q. Does maintaining the core of districts 4 require considerations of racial data? 5 A. I don't think it does, no.</p> <p>6</p> <p>7 (Plaintiff's Exhibit 8 was 8 marked for identification.)</p> <p>9</p> <p>10 Q. I'm handing you what's been marked as 11 Plaintiff's Exhibit 8. This is a document that was 12 produced in this lawsuit. The Bates number in the 13 corner is RC 00056. It's a seven-page document. 14 Each page has one of the seven congressional 15 districts from the 2021 congressional map.</p> <p>16 Do you see that?</p> <p>17 A. I do.</p> <p>18 Q. Have you seen this document before?</p> <p>19 A. I have not.</p> <p>20 Q. And you can take a look through it if 21 you don't believe me. But these are the seven -- 22 these are maps of each of the seven congressional 23 districts in the 2021 map that you drew; is that 24 correct?</p> <p>25 A. Yes, sir.</p>
<p style="text-align: right;">Page 159</p> <p>1 A. That's basically the cores of the -- of 2 existing districts or the counties that make up the 3 majority of those districts, to keep them together 4 in the same district.</p> <p>5 Obviously, incumbents have a preference 6 to not have to add folks they haven't represented 7 when they can continue to keep the folks they have 8 been representing.</p> <p>9 Q. What, in your mind, is the core of an 10 existing district?</p> <p>11 A. The core of an existing district is 12 basically -- I view it as geography. It's the 13 county -- the key counties that make up the current 14 district, current as in 2001.</p> <p>15 Q. Where --</p> <p>16 A. Or 2011 I mean.</p> <p>17 Q. Where does that understanding come from?</p> <p>18 A. I don't know. That understanding comes 19 from what the cores of a district are.</p> <p>20 Q. Your understanding of what a core of a 21 district is comes from --</p> <p>22 A. I mean, that's what the definition of 23 those words are to me anyway.</p> <p>24 Q. Did you have some sort of metric to use 25 when determining what the core of an existing</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. Looking at page one here, District 1, 2 show me on here where the core of District 1 is.</p> <p>3 A. Well, the core of District 1 to me would 4 be Mobile and Baldwin counties.</p> <p>5 Q. Flipping over to -- and why do you 6 consider those two --</p> <p>7 A. Well, that's --</p> <p>8 Q. -- to be the core?</p> <p>9 A. Those are the two predominant counties.</p> <p>10 They have the vast majority of the population in the 11 district.</p> <p>12 Q. Flipping the page to District 2. What 13 do you consider to be the core of District 2?</p> <p>14 A. The core of District 2 is a little more 15 complicated than that, I guess. You have the Wire 16 -- you have Dothan, which is Houston County, you 17 have the Wiregrass region, you have Montgomery, and 18 then you have Autauga and Elmore on top -- of top of 19 them.</p> <p>20 Q. And why do you consider those counties 21 to be the core of this district?</p> <p>22 A. Again, that's where the majority of the 23 population is. And they've been for the most part 24 consistently inside the 2nd District for a 25 considerable period of time.</p>

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<p style="text-align: right;">Page 162</p> <p>1 Q. Moving the page to District 3, the same 2 question. What do you consider to be the core of 3 District 3?</p> <p>4 A. The core of District 3 would be Calhoun 5 and St. Clair. And then obviously more down, Lee 6 and Russell, which are very fast-growing counties, 7 especially Lee County. That would be the core of 8 the district to me.</p> <p>9 Q. And why do you say that?</p> <p>10 A. Again, it's the vast majority of the 11 population. It's also -- those areas have been 12 pretty much continuously in the 3rd District.</p> <p>13 Q. Turning the page to District 4, same 14 question. What do you consider to be the core of 15 District 4?</p> <p>16 A. The core of District 4 would be sort of 17 the Winston, Walker, Cullman area, and then northern 18 Tuscaloosa which was only added ten years ago but 19 certainly plays a key role in the district now. And 20 then sort of Marshall, Etowah, again large 21 population, have been in the district a considerable 22 amount of time.</p> <p>23 Q. Is your answer for why those are the 24 core based on population again?</p> <p>25 A. Population, yeah.</p>	<p style="text-align: right;">Page 164</p> <p>1 in that district for a long period of time.</p> <p>2 Q. And going through each of these counties 3 that you consider to be the core of each district, 4 is that a determination that you made? Or is that 5 something that you were told by someone else?</p> <p>6 A. That's a determination I made.</p> <p>7 Q. Have you discussed what you consider to 8 be the core of each of these districts with anyone 9 else?</p> <p>10 A. I may have discussed it with legal 11 counsel. But I don't have a specific recollection 12 of the discussion.</p> <p>13 Q. Has anyone ever told you before what the 14 core of each district is?</p> <p>15 A. No.</p> <p>16 Q. Looking back at the policy that we were 17 referencing here about preserving the cores of each 18 of the districts, what did you do to make sure that 19 your plan preserved the core of each of these 20 districts?</p> <p>21 A. I kept the areas we referenced by 22 district inside that district.</p> <p>23 Q. Did you have to make any specific 24 modifications to comply with this?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 163</p> <p>1 Q. Flipping the page to District 5, same 2 question. What's the core there?</p> <p>3 A. The core would be Madison and Morgan and 4 Limestone, which is now rapidly growing, as well. 5 Again, population, and they've been in that district 6 for a considerable period of time.</p> <p>7 Q. Any other reasons?</p> <p>8 A. No.</p> <p>9 Q. Turning the page to District 6, same 10 question.</p> <p>11 A. District 6, obviously Shelby and then 12 Jefferson because of population would be, in my 13 mind, the core of that district.</p> <p>14 Q. Any other reasons?</p> <p>15 A. No. It's population primarily.</p> <p>16 Q. Finally flipping the page to District 7. 17 What would you consider to be the core of District 18 7?</p> <p>19 A. I would say the core of District 7 is 20 the black belt counties that we talked about earlier 21 from Choctaw through to Lowndes, and then also the 22 portions of Tuscaloosa and Jefferson.</p> <p>23 Q. What are the reasons for considering 24 those to be the core?</p> <p>25 A. Again, population and that they've been</p>	<p style="text-align: right;">Page 165</p> <p>1 Q. Where did this policy rank in comparison 2 to the other policies?</p> <p>3 A. It was equal to all except one person, 4 one vote and the Voting Rights Act.</p> <p>5 Q. We're almost through the criteria here. 6 The last policy, Section II j(vi) states, "In 7 establishing legislative districts, the 8 reapportionment committee shall give due 9 consideration to all the criteria herein. However, 10 priority is to be given to the compelling state 11 interests requiring equality of population among 12 districts and compliance with the Voting Rights Act 13 of 1965, as amended, should the requirements of 14 those criteria conflict with any other criteria."</p> <p>15 That sounds to be pretty much what you 16 just said to me, correct?</p> <p>17 A. Correct.</p> <p>18 Q. To your knowledge, was there any 19 conflict between the five policies we just discussed 20 and the requirements regarding equality of 21 population?</p> <p>22 A. No. I mean, obviously, there can be 23 conflicts between one person, one vote and 24 communities of interest and one person, one vote and 25 how many counties are in a district. But not on</p>

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<p style="text-align: right;">Page 166</p> <p>1 that level, I guess. You would have to ask me that 2 one again.</p> <p>3 Q. And did you run into any of those 4 conflicts? Did you have to make any modifications 5 based on any sort of conflict like that in drawing 6 the map?</p> <p>7 A. Well, I mean, I didn't run into them. 8 But, I mean, I kept those in mind when we were doing 9 our initial additions or subtractions to the plan.</p> <p>10 Q. Same question. To your knowledge, was 11 there any conflict between those five policies we 12 just discussed and the requirements under the Voting 13 Rights Act of 1965?</p> <p>14 A. No. As I stated, when I added 15 population to the 7th district, for example, I was 16 not looking at race. So there was no conflict with 17 any of it to the Voting Rights Act.</p> <p>18 THE REPORTER: There was no conflict 19 what?</p> <p>20 A. With any of those to the Voting Rights 21 Act.</p> <p>22 Q. I don't think it's another policy. But 23 looking down here at the bottom, g, the last section 24 under the criteria. Section g states that the six 25 policies we just discussed in paragraphs j(i)</p>	<p style="text-align: right;">Page 168</p> <p>1 A. I'm not.</p> <p>2 Q. What is your understanding of what a 3 racial polarization analysis entails?</p> <p>4 A. I think it -- I've never done one, and 5 I'm not an expert. But my understanding -- a 6 layman's understanding of it, it is an analysis of 7 performance of how a district would perform in terms 8 of electing a candidate of choice for a minority 9 candidate.</p> <p>10 Q. Do you know why a racial polarization 11 analysis was not conducted?</p> <p>12 A. I do -- that was -- I do not.</p> <p>13 Q. Did you ever suggest one?</p> <p>14 A. I did not.</p> <p>15 Q. Why not?</p> <p>16 A. It wasn't under my purview.</p> <p>17 Q. What do you mean?</p> <p>18 A. It wasn't part of my -- I was asked to 19 draw four maps and submit them to the legislature.</p> <p>20 Q. Did anyone ever talk to you about a 21 racial polarization analysis?</p> <p>22 A. Counsel. We talked -- we've talked 23 about --</p> <p>24 MR. WALKER: Objection to form.</p> <p>25 Q. Without going into any discussion that</p>
<p style="text-align: right;">Page 167</p> <p>1 through (vi) are not listed in order of precedence, 2 and in each instance where they conflict, the 3 legislature shall at its discretion determine 4 which takes priority.</p> <p>5 Were you given any instruction on which 6 policy should take priority over the others?</p> <p>7 A. No, other than section 6 that says 8 clearly one person, one vote and the Voting Rights 9 Act. But other than that, no.</p> <p>10 Q. Is there anything else in Exhibit 8, 11 which is the reapportionment committee redistricting 12 guidelines, that you considered other than the 13 criteria we just discussed in Section II?</p> <p>14 A. No.</p> <p>15 Q. In looking back at these criteria in 16 Exhibit 8, Section II, were these the main factors 17 that you considered when drawing the 2021 18 congressional map?</p> <p>19 A. They were.</p> <p>20 Q. Did you consider any other factors when 21 drawing the 2021 congressional map?</p> <p>22 A. I did not.</p> <p>23 Q. Are you aware of any racial polarization 24 analysis that was done on any of the districts on 25 the 2021 congressional map?</p>	<p style="text-align: right;">Page 169</p> <p>1 you had with Mr. Walker, did anyone else ever talk 2 to you about any racial polarization analysis being 3 done for the 2021 congressional map?</p> <p>4 A. No.</p> <p>5 MR. THOMPSON: For the record, Counsel, 6 I have a copy here of the joint stipulated facts 7 that were agreed to by counsel and filed this past 8 Friday. I only have one copy.</p> <p>9 MR. WALKER: Do you want me to get a 10 copy made, copies made?</p> <p>11 MR. THOMPSON: We can. I just have a 12 question about one of these. So if it works, I can 13 just read it into the record and show the witness.</p> <p>14 MR. WALKER: That's fine.</p> <p>15 Q. Paragraph 62 of -- for your knowledge, 16 sir, this is a document titled Joint Stipulated 17 Facts for Preliminary Injunction Proceedings. And 18 this was a document of stipulated facts that the 19 parties in the three lawsuits here have agreed to.</p> <p>20 Does that make sense?</p> <p>21 A. Yes.</p> <p>22 MR. DAVIS: Actually, there are 23 differences. What one set of counsel agreed to with 24 us may not be exactly what another set of counsel 25 agreed to with us. So you might want to clarify for</p>

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<p style="text-align: right;">Page 170</p> <p>1 the record in which case those stipulations are.</p> <p>2 MR. THOMPSON: This is the Milligan</p> <p>3 plaintiffs versus Merrill stipulations.</p> <p>4 Q. All right. Paragraph 62 in this -- and</p> <p>5 I'll read it to you, and then I can show it to you.</p> <p>6 It states, "In recent litigation,</p> <p>7 Secretary Merrill stated that CD 7," which is</p> <p>8 Congressional District 7, "appears to be racially</p> <p>9 gerrymandered, with a finger sticking up from the</p> <p>10 black belt for the sole purpose of grabbing the</p> <p>11 black population of Jefferson County. Defendant</p> <p>12 does not believe that the law would permit Alabama</p> <p>13 to draw that district today if the finger into</p> <p>14 Jefferson County was for the predominant purpose of</p> <p>15 drawing African American voters into the district."</p> <p>16 And that's from Secretary of State Merrill's</p> <p>17 pretrial brief in Chestnut v. Merrill.</p> <p>18 And I'll show that to you. Just let me</p> <p>19 know when you've had a chance to look at it.</p> <p>20 A. Okay.</p> <p>21 Q. Do you agree with Secretary Merrill that</p> <p>22 District 7 appears to be racially gerrymandered?</p> <p>23 MR. DAVIS: Object to the form.</p> <p>24 MR. WALKER: Object to the form.</p> <p>25 MR. DAVIS: Which District 7? What</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. And you drew the original District 7</p> <p>2 back in 1992, we discussed, right?</p> <p>3 A. Correct.</p> <p>4 Q. So you drew that original, for lack of</p> <p>5 better terms, finger that extends into District 6?</p> <p>6 A. Yeah. And I'm not sure it looked</p> <p>7 exactly like that. But yes, I did.</p> <p>8 Q. And why did you draw that long finger</p> <p>9 extension into District 6?</p> <p>10 A. Well, it partially probably had to do</p> <p>11 with where the incumbent lived at that point. But</p> <p>12 also to create a majority black district.</p> <p>13 Q. Moving ahead to the 2021 congressional</p> <p>14 map. Were you asked to do anything to District 7 so</p> <p>15 that it does not appear to be racially</p> <p>16 gerrymandered?</p> <p>17 A. I wasn't asked to do anything. But when</p> <p>18 I was looking at adding population to District 7, I</p> <p>19 was hoping -- my goal was to make it more compact</p> <p>20 and geographically comprehensible in terms of, for</p> <p>21 example, Jefferson County. So that's why I was</p> <p>22 adding west Jefferson County and gaining population</p> <p>23 there.</p> <p>24 Q. Did you do anything specifically in</p> <p>25 drawing the 2021 congressional map to modify it so</p>
<p style="text-align: right;">Page 171</p> <p>1 year?</p> <p>2 MR. THOMPSON: I believe this was in</p> <p>3 reference to the 2011 --</p> <p>4 MR. WALKER: Right.</p> <p>5 MR. THOMPSON: -- congressional map.</p> <p>6 Correct?</p> <p>7 MR. DAVIS: I just want to make sure</p> <p>8 it's clear if, in fact, you're asking him about the</p> <p>9 2011 district, that y'all are on the same page.</p> <p>10 MR. THOMPSON: Thank you.</p> <p>11 Q. So do you agree with Secretary Merrill</p> <p>12 that District 7 in the 2011 Alabama congressional</p> <p>13 map appears to be racially gerrymandered?</p> <p>14 A. Well, again, I'm not a lawyer nor an</p> <p>15 expert. But I think it's clear there is a racial</p> <p>16 component to the finger that goes into Jefferson</p> <p>17 County.</p> <p>18 Q. And why do you say that?</p> <p>19 A. Well, I think because of shape and size</p> <p>20 and what have you. And, again, I haven't done -- I</p> <p>21 haven't looked at it specifically. But I imagine,</p> <p>22 obviously, the majority of the folks inside that</p> <p>23 finger, for lack of a better word, are probably</p> <p>24 African American and the majority of folks on the</p> <p>25 outside probably aren't.</p>	<p style="text-align: right;">Page 173</p> <p>1 that District 7 does not appear to be racially</p> <p>2 gerrymandered?</p> <p>3 A. I don't know how to answer that other</p> <p>4 than I tried to make it more geographically compact</p> <p>5 in shape.</p> <p>6 Q. Other than that, did you make --</p> <p>7 A. And not -- and not split precincts.</p> <p>8 Which I think a number of precincts were split in</p> <p>9 this version.</p> <p>10 Q. Other than trying to make it</p> <p>11 geographically compact and not splitting precincts,</p> <p>12 did you make any other changes for that purpose?</p> <p>13 A. No.</p> <p>14 MR. WALKER: Just so the record is</p> <p>15 clear, the witness' reference to "this version" was</p> <p>16 to the 2011 version.</p> <p>17 A. When I said they were split. Is that</p> <p>18 what you're talking -- yeah.</p> <p>19 MR. THOMPSON: Thank you.</p> <p>20 Q. And I'm referring to when you were</p> <p>21 drawing the 2021 map now. So thank you for the</p> <p>22 clarification.</p> <p>23 Did you specifically make any changes in</p> <p>24 drawing the 2021 map to ensure that District 7 does</p> <p>25 not appear to be racially gerrymandered?</p>

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1 A. No, other than -- other than making the 2 district more compact and more geographically 3 contiguous.	1 A. No. 2 Q. Educational level? 3 A. No.
4 Q. Anything else? 5 A. And not split precincts. 6 Q. Anything beyond that? 7 A. No.	4 Q. Favorite football team? 5 A. No. 6 Q. Voter turnout? 7 A. No, sir. 8 Q. Election results to assess party 9 affiliation?
8 Q. Do you know if District 7 would still be 9 majority black without that finger sticking up into 10 Jefferson County? 11 A. I do not. 12 Q. Have you looked at that? 13 A. No. But, of course, it's not really a 14 finger anymore. It was basically the southwestern 15 part of the county. 16 Q. In drawing the 2021 congressional map, 17 were you asked to consider anything about race when 18 drawing District 7? 19 A. No. 20 Q. Did you consider anything about race 21 when drawing District 7? 22 A. No. 23 Q. And you say "No." That was before the 24 week before you submitted this to the special 25 session, correct?	10 A. No. 11 Q. Were you asked to consider anything 12 about race when drawing any of the other districts? 13 A. I was not. 14 Q. Did you consider anything about race 15 when drawing Districts 1 through 6? 16 A. I did not. 17 Q. Did you consider whether it would be 18 possible to create a second black majority district 19 when drawing the 2021 congressional map? 20 A. I did. 21 Q. When did you make that -- when did you 22 consider that? 23 MR. WALKER: I'm going to assert the 24 attorney-client privilege. 25 THE REPORTER: I'm sorry?
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1 A. Correct. But even once we turned race 2 on, nobody asked me to make any changes to District 3 7 or any other district. 4 Q. And did you make any changes to District 5 7 at that point? 6 A. No. 7 Q. Did you look at the racial makeup of 8 certain neighborhoods that week before the special 9 session? 10 A. I did not. 11 Q. Did you take into account any of the 12 other characteristics of the black voting age 13 population when drawing District 7? 14 A. Help me with that one. 15 Q. Similar to what I asked before. Did you 16 take into account different socioeconomic factors 17 within the black voting age population? 18 A. No, sir, I did not. 19 Q. Attitudes? 20 A. No, sir. 21 Q. Interests? 22 A. No. 23 Q. Type of employment? 24 A. No. 25 Q. Income?	1 MR. WALKER: I'm asserting the 2 attorney-client privilege in response to that 3 question. 4 MR. THOMPSON: To the question of when? 5 MR. WALKER: He can answer when. 6 Q. When did you consider whether making a 7 -- excuse me. Let me ask the question again. 8 When did you consider whether it would 9 be possible to create a second majority black 10 district? 11 A. After we got the final census results. 12 So early September. 13 Q. Did anyone ask you to consider that? 14 MR. WALKER: Objection. 15 MR. THOMPSON: Was that an instruction 16 not to answer, or just an objection? 17 MR. WALKER: I think he can tell you 18 that I asked him to consider that. 19 Q. I'll go ahead and let you -- 20 A. Dorman Walker asked me to take -- to 21 look at it, yes. 22 Q. Did you attempt to draw such a plan? 23 MR. WALKER: Objection. I instruct the 24 witness not to answer. It's privileged. 25 Q. Beyond your discussion with Mr. Walker,

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<p style="text-align: right;">Page 178</p> <p>1 did you discuss with anyone else the possibility of 2 creating a second majority black district? 3 A. I did not. 4 Q. Do you agree that it would be possible 5 to create a second majority black district in 6 Alabama? 7 MR. DAVIS: Object to the form. 8 MR. WALKER: Same objection. 9 THE WITNESS: Does that mean I'm not 10 supposed to answer? 11 MR. WALKER: It's an objection to the 12 form of the question. 13 A. I think it would be possible. It's a 14 question of whether -- how many counties and 15 precincts you feel comfortable splitting to do so 16 and how -- what the shape and size and scope of it 17 would be. 18 Q. Would it be possible to create a second 19 majority black district and still comply with the 20 reapportionment committee redistricting guidelines? 21 A. I would not think so. 22 Q. Why not? 23 A. Well, I can't say every -- some of the 24 plans that were submitted that did that either 25 paired incumbents or disallowed cores of districts</p>	<p style="text-align: right;">Page 180</p> <p>1 A. I don't think I have. 2 Q. Does this appear to be a list of the 3 congressional plans that were introduced in the 2021 4 special session? 5 A. It does. 6 Q. Did you review any of these maps? 7 A. I looked at most all of them, yes. 8 Q. Earlier today you made a distinction 9 between looking at and reviewing. 10 A. Well, because a couple of these plans I 11 know were put into the system very, very late in the 12 process. So my quote, unquote review of them may 13 have been ten minutes. 14 Q. Which plans were those? 15 A. Well, Senator Coleman's plan. Senator 16 Hatcher's plan, I think, came in very late. A 17 couple of these others which are full plans, 18 obviously, but they were more amendments. Like 19 Waggoner and Barfoot were done on the last day. So 20 I looked at them, but I didn't have very long to 21 look at them. 22 Q. Did you have an opportunity to review 23 the Holmes congressional plan? 24 A. Yeah. Again, that was basically a 25 change for Congressman Moore when we were discussing</p>
<p style="text-align: right;">Page 179</p> <p>1 or made an inordinate number of splits or had 20 2 counties in a congressional district or some other 3 thing that was not positive in our guidelines. 4 Q. You said some of the other plans that 5 were submitted. I know we referenced this way back 6 earlier there morning -- 7 A. Yes. 8 Q. -- that there were, you said, 9 approximately 41 plans that were offered at some 10 point in the special -- 11 A. Not congressional. All the -- all the 12 whole. That was all. That was legislative, that 13 was everything. 14 Q. Understood. This may help. 15 16 (Plaintiff's Exhibit 9 was 17 marked for identification.) 18 19 Q. I'm marking Plaintiff's Exhibit 9. This 20 is another document that was produced in this 21 lawsuit. It's Bates number RC 000007. And I will 22 represent to you that the file name for this 23 document is Congressional Plans Introduced in 2021 24 Special Session. 25 Have you seen this document before?</p>	<p style="text-align: right;">Page 181</p> <p>1 the whole Escambia versus Monroe thing. So it 2 was -- it was not really a whole -- it was a whole 3 plan. But the changes were very specific to 4 Congressman Moore. So yes, I'm familiar with it. 5 Q. Did you have an opportunity to review 6 the Faulkner congressional plan two? 7 A. I did. Those were changes that were 8 primarily in Jefferson County. Again, the vast 9 majority of the plan was the same this as the 10 Pringle plan. So I was familiar with those changes. 11 Q. You may or may not know the answer to 12 this. There's only one Faulkner plan listed here, 13 but it's numbered two. Do you know if there was a 14 Faulkner plan one? 15 A. I don't know. I don't know. 16 Q. It seems to be like the school prank 17 where you number the pigs one, two, and four. 18 A. One would guess there would be a one. 19 But I don't -- I don't know that. 20 MR. WALKER: I think that's the best 21 extraneous comment in a deposition I've ever heard. 22 Q. Understood. 23 Then did you review the Singleton 24 congressional plans? And there's three of those 25 here.</p>

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<p style="text-align: right;">Page 182</p> <p>1 A. The first one, the whole county plan, I 2 did because that was a plan that was submitted to 3 public hearings along the way and had been in the 4 office for quite a while. So yes, I did. I did 5 have more time to look at that one, yes.</p> <p>6 Q. And that's plan one, the --</p> <p>7 A. Plan one, yeah, SB-10. Yes, sir.</p> <p>8 Q. I'm sorry. Go ahead.</p> <p>9 A. Yes, plan one, SB-10.</p> <p>10 Q. And are you aware that that one was 11 submitted by the League of Women Voters?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And there is also two other plans, plan 14 two and plan three. Did you have an opportunity to 15 review those?</p> <p>16 A. Much more quickly. I mean, they were 17 offshoots of the initial plan that just changed 18 deviation for the most part.</p> <p>19 Q. I want to walk through those, the Holmes 20 plan, the Faulkner plan, and the Singleton plan.</p> <p>21 Starting with the Holmes plan, why did 22 you review that one?</p> <p>23 A. I reviewed that because that was put in 24 essentially for Congressman Moore because he did not 25 want to pick up another county. And instead of</p>	<p style="text-align: right;">Page 184</p> <p>1 Q. Was that the only reason you didn't make 2 those changes?</p> <p>3 A. Primarily. I didn't think it was a good 4 -- first of all, it's 739 people. It's not really 5 -- you couldn't make a case that Congressman Moore 6 was going to lose re-election over gaining 739 7 republicans in Escambia County.</p> <p>8 So I was not concerned about what it did 9 to his district. I was concerned about the fairness 10 issue of putting all of the splits in one 11 congressional district.</p> <p>12 Q. Were there any other reasons why you 13 didn't incorporate those changes in the Holmes plan 14 into your map?</p> <p>15 A. That was -- that was the primary reason.</p> <p>16 Q. Were you asked by anybody to review the 17 Holmes congressional plan?</p> <p>18 A. Well, when it was offered on the 19 floor -- I'm not sure where it was offered. The 20 house floor maybe. This doesn't say on here.</p> <p>21 But whatever chair where that was being 22 offered asked me to, I'm sure, tell him what I knew 23 about the Holmes plan.</p> <p>24 Q. What did you tell him?</p> <p>25 MR. WALKER: You can tell him.</p>
<p style="text-align: right;">Page 183</p> <p>1 splitting Escambia between 1 and 2, he wanted to 2 split Monroe between 1 and 7 so that District 7 3 would pick up an additional county and he would not, 4 and then make the corresponding change in Montgomery 5 to offset the 739 people that were needed to get 1 6 to zero deviation. To my knowledge, those were the 7 only changes.</p> <p>8 Q. You had had conversations with 9 Congressman Moore when you were creating your map, 10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. Were these changes in the Moore -- 13 excuse me.</p> <p>14 Were these changes in the Holmes plan 15 changes that you did not want to or did not for some 16 reason make in the 2021 map that you drew?</p> <p>17 A. That's correct.</p> <p>18 Q. And why did you not make those changes?</p> <p>19 A. Because I didn't think it was fair to 20 put the majority of split counties into the 7th 21 District.</p> <p>22 Q. Why not?</p> <p>23 A. I just didn't think any one district 24 should have to have four split counties when other 25 districts only had one.</p>	<p style="text-align: right;">Page 185</p> <p>1 THE WITNESS: I thought you didn't want 2 me to --</p> <p>3 MR. WALKER: You can tell him.</p> <p>4 A. I told him that I didn't -- I didn't 5 think that was a good change to our map because, 6 again, it put all of -- not all. But put another 7 split into the 7th District. Which I didn't think 8 it was equitable to put most of the splits in one 9 congressional district.</p> <p>10 Q. Did you tell him anything else?</p> <p>11 A. That's basically it.</p> <p>12 Q. Did you provide any evaluations or 13 recommendations regarding that map?</p> <p>14 A. Other than voting it down, no. I 15 suggested they not vote for it.</p> <p>16 Q. Moving to the Faulkner congressional 17 plan two.</p> <p>18 A. Yes.</p> <p>19 Q. Why did you review that map?</p> <p>20 A. That was the change where I had put 21 Homewood back together that made a few people in 22 Jefferson County, I guess, unhappy.</p> <p>23 So representative Faulkner, who is from 24 Jefferson County, had a map that took the three 25 Homewood precincts out of District 7 and put them</p>

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<p style="text-align: right;">Page 186</p> <p>1 into District 6, and took four precincts in the 2 Center Point area, which is the northern end of 3 District 7, and put those back into District 7. So 4 I reviewed those changes.</p> <p>5 Q. Similar to before, were you asked by 6 anybody to review that plan?</p> <p>7 A. I was. And whatever -- again, I think 8 these were offered in the house. So I think it 9 probably would have been Representative Pringle that 10 asked me for a quick analysis of what the plan 11 changes were.</p> <p>12 Q. And what did you tell him?</p> <p>13 A. I told him that it moved the Homewood 14 area into District 6, and it took those four 15 precincts at the northern end of district -- who 16 were in District 7 and added them back into District 17 7.</p> <p>18 And I allowed as how I didn't think that 19 was really a good thing to do because it eliminated 20 some of my geographical compactness of what I was 21 trying to do when we were adding in western 22 Jefferson and not extending the quote, unquote 23 finger further north into Jefferson County.</p> <p>24 Q. To your knowledge, did any of the 25 changes from your plan to the Faulkner plan have to</p>	<p style="text-align: right;">Page 188</p> <p>1 A. Not that comes to mind, no. 2 Q. Were you asked by anybody to review the 3 Singleton plan?</p> <p>4 A. Again, I was when it was offered in the 5 house or senate -- I guess it was offered on the 6 senate floor maybe first. Whichever chair of 7 wherever it was offered, I was asked to comment on 8 it.</p> <p>9 Q. And what did you tell that chairperson?</p> <p>10 A. Well, the initial Singleton plan was not 11 a zero deviation plan. So it really didn't meet our 12 guidelines. I also think it paired a couple of 13 incumbents, if I'm remembering the plan correctly, 14 in the 3rd District. I think it put in -- put maybe 15 Shelby County in the 3rd. So it would have paired 16 Gary Palmer and Mike Rogers. And it wasn't to zero 17 deviation. Also, it didn't have a majority black 18 district in it.</p> <p>19 Q. Was that an issue to you, that there's 20 not a majority black district?</p> <p>21 A. Yeah. Well, it -- it was an observation 22 that it did not have a majority black district.</p> <p>23 Q. Does that matter for any particular 24 reason to you?</p> <p>25 A. Well, it matters -- again, I'm not a</p>
<p style="text-align: right;">Page 187</p> <p>1 do with any racial factors?</p> <p>2 A. I don't know -- I mean, I don't know 3 about the motivations of who drew the Faulkner plan.</p> <p>4 Q. Are you aware of any racial 5 considerations that were taken in account in drawing 6 the Faulkner plan?</p> <p>7 A. I'm not.</p> <p>8 MR. WALKER: Objection to form. You may 9 answer.</p> <p>10 Q. What about the Singleton plan? Why did 11 you review that plan?</p> <p>12 A. Well, that was one that -- the initial 13 Singleton plan was one that was offered at a number 14 of public -- virtually every public hearing, I 15 believe. It had been in existence for quite a 16 while.</p> <p>17 So I looked at it for what it -- you 18 know, for what it was doing. And I had a little 19 more time to look at it, actually, than some of 20 these other ones that came in at the last minute.</p> <p>21 Q. Do you know what feedback there was from 22 the public hearings on the Singleton plan?</p> <p>23 A. Not specifically. I really don't.</p> <p>24 Q. Did you ever hear of any public feedback 25 on the Singleton plan?</p>	<p style="text-align: right;">Page 189</p> <p>1 lawyer. But I suppose there would be some question 2 to how well it comported with Section 2 of the 3 Voting Rights Act. But, again, that wasn't my major 4 concern with it.</p> <p>5 Q. There were two subsequent Singleton 6 plans, plan two and three.</p> <p>7 A. Yeah.</p> <p>8 Q. Both of which you stated -- and it 9 describes here in Exhibit 9 as having adjustments 10 for population deviation.</p> <p>11 Were there any other changes in 12 Singleton plan two and three other than changes to 13 deviation, to your knowledge?</p> <p>14 A. Not to my knowledge. And, again, I 15 looked at -- I didn't look at these plans 16 extensively. But to my knowledge, it was just a 17 change in deviation.</p> <p>18 Q. Were those other observations that you 19 made to Singleton plan one regarding incumbents 20 being paired up against each other, a lack of a 21 black majority district, any other observations you 22 made, were any of those addressed with Singleton 23 plan two or three?</p> <p>24 A. Not that I'm aware of.</p> <p>25 Q. Were you asked by anybody to review</p>

<p style="text-align: right;">Page 190</p> <p>1 Singleton plan two and three?</p> <p>2 A. Again, in whatever body they were 3 offered in, the chair would have asked me about 4 them, yes.</p> <p>5 Q. Do you recall what recommendations or 6 observations you provided?</p> <p>7 A. Basically the same ones. The narrow 8 deviation, again while a more narrow deviation, was 9 not to zero deviation. And I think it still paired 10 the incumbents. And as I remember, the BVAPs on the 11 districts were very similar between -- among the 12 three. So I don't think it changed any of those 13 things.</p> <p>14 Q. You also mentioned that you looked at 15 briefly the Coleman plan, Hatcher plan, Waggoner 16 plan, and Barfoot --</p> <p>17 A. Yeah.</p> <p>18 Q. -- plan.</p> <p>19 A. Yes, sir.</p> <p>20 Q. Did you make any observations from your 21 looking at or review of those?</p> <p>22 A. No. Well, the Barfoot plan was sort of 23 just the senate version of the Holmes plan making 24 the change for Representative Moore.</p> <p>25 The Wagner plan was basically Faulkner</p>	<p style="text-align: right;">Page 192</p> <p>1 plan, is it a similar response as you had to the 2 other ones, that you were asked to look at those by 3 whoever was presenting them on the floor?</p> <p>4 A. Whoever was managing the time, the time 5 on the floor.</p> <p>6 Q. And as to each of those, do you recall 7 what your feedback was?</p> <p>8 A. Yeah. I mean, obviously, the Waggoner 9 plan was the same as the Faulkner plan. So I didn't 10 think it was a good change. And the Barfoot plan 11 was essentially the same as the Holmes plan. So I 12 didn't think that was a good change. And the 13 Waggoner three was just a compilation of the two of 14 them added together, which didn't do anything to 15 move the bar.</p> <p>16 Q. What about the Coleman plan?</p> <p>17 A. The Coleman plan, again, I didn't look 18 -- didn't have a chance to look at very much. I 19 believe it paired two incumbents in 1, in District 20 1, Carl and Moore. And it certainly didn't respect 21 the cores of districts because I think it had 22 District -- District 7 went from Mobile to 23 Tuscaloosa maybe.</p> <p>24 Anyway, again, I didn't spend a lot of 25 time on either of those, looking at either of those</p>
<p style="text-align: right;">Page 191</p> <p>1 and Barfoot put together or Barfoot and Holmes put 2 together. It also made the Moore change, but made 3 the Faulkner change in Jefferson County. So they 4 were just sort of different versions or compilations 5 of those two things.</p> <p>6 Q. I'm going to stop you right there 7 because I think there's -- it looks like there's two 8 Waggoner plans here. Which one are you referring 9 to, three or one?</p> <p>10 A. Three was the combination. One -- one 11 was essentially the Faulkner version of the plan, 12 only in a -- drawn up by a senator or offered by a 13 senator.</p> <p>14 Q. And I interrupted you there. I think 15 the only other plan we haven't discussed yet is the 16 Hatcher plan.</p> <p>17 A. Right. And, again, that came in, if I 18 remember correctly, the night before it was offered 19 on the floor. So I really looked at it for 20 literally ten minutes before whoever -- wherever it 21 was offered. I guess on the senate side. So I 22 didn't do a very deep analysis of the Hatcher plan.</p> <p>23 Q. For each of these plans that you said 24 you just looked at briefly, the Coleman plan, the 25 Waggoner plans, the Barfoot plan, and the Hatcher</p>	<p style="text-align: right;">Page 193</p> <p>1 plans.</p> <p>2 Q. What about the Hatcher plan?</p> <p>3 A. The Hatcher plan I think was obviously a 4 two black district plan.</p> <p>5 THE REPORTER: Two?</p> <p>6 A. Two black district plan. I do think it 7 -- I think it paired incumbents, but maybe I'm 8 wrong. Again, geographically it was not very 9 compact. I think it went from Mobile to Russell 10 essentially on one of the black districts.</p> <p>11 So I didn't think it -- I didn't think 12 it followed our guidelines very well in terms of 13 compactness.</p> <p>14 Q. Other than compactness --</p> <p>15 A. And splits. I think it also had like 13 16 county splits, where the Pringle plan had six. I 17 think it split a lot more precincts.</p> <p>18 Q. Other than compactness and splitting 19 precincts, was there any other reason that you felt 20 that the Hatcher plan did not comply with the 21 guidelines?</p> <p>22 A. Those were the main issues.</p> <p>23 Q. Were there any other issues?</p> <p>24 A. I don't think so.</p> <p>25 Q. And with the Singleton plan, were there</p>

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<p style="text-align: right;">Page 194</p> <p>1 any reasons why you felt that the Singleton plan did 2 not comply with the redistricting guidelines?</p> <p>3 A. Yeah. Well, the initial Singleton plan 4 was not to zero deviation. It did pair incumbents 5 again in the 6th -- in the 3rd District, it had two 6 incumbents together, Moore and -- not Moore. Palmer 7 and Mike Rogers.</p> <p>8 Q. Any other reasons?</p> <p>9 A. And, again, it didn't have a majority 10 black district.</p> <p>11 Q. Speaking of that, when you drew your 12 map -- which on this table, I would assume that's 13 the Pringle congressional plan. Correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. When you drew the 2021 congressional 16 map -- remind me. Did you start with drawing 17 District 7?</p> <p>18 A. No. Actually, I started -- I started 19 with District 5 because I knew it had to spill into 20 4. And I had to do that before I could do much else 21 there.</p> <p>22 Q. What order did you go in for drawing the 23 districts after that?</p> <p>24 A. I basically moved down -- moved down the 25 state. I did 5 to 4. And then the changes that 4</p>	<p style="text-align: right;">Page 196</p> <p>1 A. I think if it had come back under 50 2 percent, in consultation with legal counsel, I 3 assume we would have, under the guidelines, looked 4 for a basis and evidence to see if one existed to 5 add African Americans to the district.</p> <p>6 Q. Did you draw any other maps other than 7 -- let me take a step back.</p> <p>8 Did you draw any other congressional 9 maps other than the HB-1 Pringle congressional plan 10 that was ultimately enacted?</p> <p>11 A. This cycle -- I don't know what time 12 frame we're talking about.</p> <p>13 Q. I'll try again. Sorry.</p> <p>14 In drawing the 2021 congressional maps, 15 through that process you drew the map that was 16 ultimately enacted, correct?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Did you draw any other maps in that 19 cycle --</p> <p>20 MR. WALKER: I'm going to --</p> <p>21 Q. -- for the congressional plan?</p> <p>22 MR. WALKER: -- object to the extent 23 that -- and you may not be intending to. You're 24 asking him whether he tried to draw a two majority 25 black district --</p>
<p style="text-align: right;">Page 195</p> <p>1 -- putting Cherokee back together in 3, putting 2 Blount back together in 6, corresponding changes in 3 Tuscaloosa in 7. I basically worked down the map 4 from there.</p> <p>5 Q. And you stated that you did not look at 6 the racial data in drawing the 2021 map until the 7 week before the special session, correct?</p> <p>8 A. Correct.</p> <p>9 Q. When you did review the racial data, if 10 it had shown that District 7 was below 50 percent 11 black voting age population, what would you have 12 done?</p> <p>13 A. I would have talked to legal counsel 14 about what steps to take at that point.</p> <p>15 Q. Do you believe that you would have 16 needed to make modifications to make the black 17 voting age population percentage higher than 50 18 percent?</p> <p>19 MR. WALKER: Object to the form, calls 20 for speculation.</p> <p>21 Q. You can answer.</p> <p>22 A. I'm sorry. Say that again.</p> <p>23 MR. THOMPSON: Can I have the question 24 read back?</p> <p>25 (Record read.)</p>	<p style="text-align: right;">Page 197</p> <p>1 Q. I'm just asking if you drew any other 2 maps at all.</p> <p>3 MR. WALKER: And my instruction to you 4 is if you did anything at the instruction of me 5 alone, then that would not be part of your answer.</p> <p>6 A. Other than that, no.</p> <p>7 Q. I've gone a little over an hour there, 8 but I wanted to finish up. I think I'm done with my 9 questions for now. So I think we'll take a break 10 and then allow some other folks to ask you some 11 questions. Is that fair?</p> <p>12 A. That's fair.</p> <p>13 THE VIDEOGRAPHER: We are off the 14 record. The time is 2:28 p.m.</p> <p>15 (Recess was taken.)</p> <p>16 THE VIDEOGRAPHER: We are back on the 17 record. The time is now 2:47 p.m.</p> <p>18 MR. THOMPSON: At this time, I'm going 19 to pass the questions to Mr. Blacksher.</p> <p>20 EXAMINATION BY MR. BLACKSHER:</p> <p>21 Q. Good afternoon, Mr. Hinaman.</p> <p>22 A. Good afternoon.</p> <p>23 Q. So it was Dorman Walker who told you you 24 were required to achieve zero population deviation; 25 is that right?</p>

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<p style="text-align: right;">Page 198</p> <p>1 MR. WALKER: Object to the form.</p> <p>2 Q. You know, I'm having -- I've had trouble</p> <p>3 hearing you throughout. So I'm going to have to ask</p> <p>4 you to speak up a little louder.</p> <p>5 What was your last response?</p> <p>6 MR. WALKER: Are you talking to me, Jim?</p> <p>7 MR. BLACKSHER: The witness didn't</p> <p>8 respond? That was you?</p> <p>9 MR. WALKER: That was I who said "Object</p> <p>10 to the form." He doesn't make objections.</p> <p>11 MR. BLACKSHER: Oh, you said objection?</p> <p>12 MR. WALKER: Yes.</p> <p>13 Q. Okay. I'm going back to what you said</p> <p>14 in your examination, your direct examination, I</p> <p>15 guess we call it, where you said you were advised</p> <p>16 that you needed to use zero deviation in your plan.</p> <p>17 Is that right?</p> <p>18 A. That's correct. Under two criteria for</p> <p>19 redistricting, B, "Congressional districts shall</p> <p>20 have minimal population deviation."</p> <p>21 I was told by counsel that that was zero</p> <p>22 for six districts and plus one for one district.</p> <p>23 Q. And when you say "by counsel," you mean</p> <p>24 -- well, I didn't ask you. Were you advised by</p> <p>25 lawyers other than Dorman Walker?</p>	<p style="text-align: right;">Page 200</p> <p>1 Q. Okay. So if you read the West v. Hunt</p> <p>2 opinion -- let me ask this question -- do you recall</p> <p>3 the court saying that it felt compelled, because it</p> <p>4 was a court-ordered plan, to use zero deviation?</p> <p>5 A. I do not. As I said, I probably read it</p> <p>6 30 years ago. I certainly don't remember what it</p> <p>7 said today.</p> <p>8 Q. Were you advised to use zero deviation</p> <p>9 by anybody -- any lawyers in Washington, say,</p> <p>10 connected with the republican party, the RNC or --</p> <p>11 what was that other organization that you used</p> <p>12 letters for? NRRC or something?</p> <p>13 A. No. In terms of the -- are you talking</p> <p>14 about the 2021 plan?</p> <p>15 Q. The 2021 plan, yes.</p> <p>16 A. No, I did not speak to anybody at the</p> <p>17 NRCC or the RNC or anybody in Washington other than</p> <p>18 members of congress and their staffs.</p> <p>19 Q. Okay. NRCC, what does that stand for?</p> <p>20 A. National Republican Congressional</p> <p>21 Committee.</p> <p>22 Q. Okay. But they didn't give you any</p> <p>23 instructions or any advice about zero deviation?</p> <p>24 A. No, sir.</p> <p>25 Q. What about the members of congress in</p>
<p style="text-align: right;">Page 199</p> <p>1 A. No.</p> <p>2 Q. So it was Dorman who told you that</p> <p>3 minimal deviation means zero deviation?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. So you also drew the plan in</p> <p>6 1992. And did you read the opinion of the court in</p> <p>7 West v. Hunt, the 1992 opinion that adopted your</p> <p>8 plan?</p> <p>9 A. I'm sure I did in 1992 or '93. But I</p> <p>10 sure don't remember it today.</p> <p>11 Q. You don't recall -- well, let me ask you</p> <p>12 this: Did counsel tell you or remind you that in</p> <p>13 that decision, the three-judge court said that</p> <p>14 because it was a court-approved plan, a</p> <p>15 court-ordered plan, it felt constrained to have</p> <p>16 perfect or zero deviation. But that if the</p> <p>17 legislature had drawn the plan itself, it would have</p> <p>18 had greater leeway with respect to deviation?</p> <p>19 MR. WALKER: Objection.</p> <p>20 Q. Do you recall reading that?</p> <p>21 MR. WALKER: Jim, you've asked that</p> <p>22 question several ways. And one -- it could be</p> <p>23 interpreted in one way to be whether or not I gave</p> <p>24 him advice on that. If that's what you're asking, I</p> <p>25 object to that.</p>	<p style="text-align: right;">Page 201</p> <p>1 the Alabama delegation? Did they give you any</p> <p>2 instructions to use zero deviation?</p> <p>3 A. No, sir.</p> <p>4 MR. BLACKSHER: Eli, did I print out a</p> <p>5 copy of the passage from State of Alabama versus</p> <p>6 U.S. Department of Commerce that you can show him?</p> <p>7 MR. HARE: Let me see here.</p> <p>8 MR. BLACKSHER: It's got a highlighted</p> <p>9 section in it.</p> <p>10 MR. HARE: Yes.</p> <p>11 MR. BLACKSHER: Okay. Can you mark that</p> <p>12 as -- what did you say, PX 10?</p> <p>13 MR. HARE: Right. It's PX 10.</p> <p>14</p> <p>15 (Plaintiff's Exhibit 10 was</p> <p>16 marked for identification.)</p> <p>17</p> <p>18 MR. BLACKSHER: And show that to</p> <p>19 Mr. Hinaman</p> <p>20 Q. That, Randy, is the document that was</p> <p>21 filed by the State of Alabama, as you can see, in</p> <p>22 Montgomery's federal court against the census bureau</p> <p>23 and styled 21-211.</p> <p>24 And would you please read the</p> <p>25 highlighted part in Paragraph 116 of the State's</p>

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<p>1 complaint?</p> <p>2 A. The part --</p> <p>3 Q. Read it into the record.</p> <p>4 A. I must admit highlighting in it in blue</p> <p>5 makes it rather hard to read. But nevertheless.</p> <p>6 "Even at the higher census geography of</p> <p>7 Alabama's congressional districts, the November 2020</p> <p>8 demonstration data indicated that the differential</p> <p>9 privacy algorithm skewed the data enough to create</p> <p>10 population deviation on a level that courts have</p> <p>11 found in other contexts to violate the supreme</p> <p>12 court's equal population jurisprudence."</p> <p>13 Q. Thank you.</p> <p>14 And under that language is a table that</p> <p>15 shows what the State thought were errors caused by</p> <p>16 differential privacy in the demonstration. And they</p> <p>17 were congressional districts.</p> <p>18 Did counsel tell you that the State of</p> <p>19 Alabama thought that the zero deviation requirement</p> <p>20 was using flawed data, in their opinion?</p> <p>21 MR. WALKER: Objection to form. And I</p> <p>22 instruct the witness not to answer.</p> <p>23 Q. Okay. Are you going to follow counsel's</p> <p>24 advice not to answer my question, Mr. Hinaman?</p> <p>25 A. I am.</p>	<p>Page 202</p> <p>1 read into that into the record, please?</p> <p>2 MR. WALKER: You haven't highlighted the</p> <p>3 whole statement. You've highlighted Lines 5 through</p> <p>4 16. Is that what you want him to read?</p> <p>5 MR. BLACKSHER: Yes, the highlighted</p> <p>6 lines, please.</p> <p>7 A. "Most of Jackson County, particularly</p> <p>8 all of Jackson County -- practically all of Jackson</p> <p>9 County is in Congressional District 5. But there is</p> <p>10 a tiny little sliver of southern Jackson County</p> <p>11 that's in 4. And I understand about trying to get</p> <p>12 everything equalized in terms of population. But</p> <p>13 the very few people who live there very frequently</p> <p>14 think they're in District 5 and do not know who to</p> <p>15 vote for. And I would ask that you consider that</p> <p>16 when you are redistricting so that you don't have</p> <p>17 that tiny little sliver out of that county. It is</p> <p>18 in a section called Macedonia. Senator Livingston</p> <p>19 would know where I'm talking about, I'm sure."</p> <p>20 Q. Thank you.</p> <p>21 So did anyone on the reapportionment</p> <p>22 committee, the chairs or counsel, show you or tell</p> <p>23 you about that testimony?</p> <p>24 MR. WALKER: Objection as to what he may</p> <p>25 have been told my counsel. Otherwise, he may answer</p>
<p>1 Q. So aside from what counsel told you,</p> <p>2 were you aware that the State of Alabama took the</p> <p>3 position in federal court that the -- that the 2020</p> <p>4 census, because of differential privacy, would not</p> <p>5 be reliable enough to use for zero -- for separating</p> <p>6 people at that level?</p> <p>7 A. I was not.</p> <p>8 MR. BLACKSHER: Eli, if you can find</p> <p>9 that passage from the public hearing at Northeast</p> <p>10 Alabama Community College.</p> <p>11 MR. HARE: I've got it right here.</p> <p>12 MR. BLACKSHER: And mark that as Exhibit</p> <p>13 11, please.</p> <p>14</p> <p>15 (Plaintiff's Exhibit 11 was</p> <p>16 marked for identification.)</p> <p>17</p> <p>18 MR. BLACKSHER: And show that to Randy,</p> <p>19 to Mr. Hinaman.</p> <p>20 Q. As you can see, this is a transcript of</p> <p>21 the reapportionment committee's hearing on September</p> <p>22 1 at Northeast Alabama Community College. And I've</p> <p>23 printed out Page 12 and highlighted it.</p> <p>24 Would you read the highlighted statement</p> <p>25 of one Toni McGriff who lives in Dutton? Would you</p>	<p>Page 203</p> <p>1 the question.</p> <p>2 A. I was not familiar with that testimony.</p> <p>3 But I did, of course, put Jackson County back</p> <p>4 together.</p> <p>5 Q. You sure did. And who paid the price</p> <p>6 for that? Lauderdale County?</p> <p>7 A. Well, you're comparing 17 people to</p> <p>8 43,000 or something. I'm not sure that's a fair</p> <p>9 comparison. But yes.</p> <p>10 Q. Was it 17 people in Jackson County?</p> <p>11 A. I'm making up that number. You're</p> <p>12 comparing a few people to many tens of thousands.</p> <p>13 But nevertheless.</p> <p>14 Q. In most of the cases on the 2021 plan,</p> <p>15 the enacted plan, for example, down in Escambia</p> <p>16 County where you had to put the eastern slice of</p> <p>17 Escambia into 2?</p> <p>18 A. Yeah, 739 people.</p> <p>19 Q. 739 people. Do you think that they're</p> <p>20 going to share the sentiment of Mr. Toni McGriff in</p> <p>21 Jackson County?</p> <p>22 A. They may very well.</p> <p>23 Q. And what I'm saying, what I'm trying to</p> <p>24 point out, can't we agree that most of these tiny</p> <p>25 splits to achieve zero population result in people</p>

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<p style="text-align: right;">Page 206</p> <p>1 being basically separated from their home county and 2 put in a district where they really don't have much 3 influence at all over the member of congress, right?</p> <p>4 A. In the Escambia County case, I would 5 agree with that. Although looking at the map, there 6 aren't many examples of that. Because most of the 7 other splits in the enacted map are much larger 8 segments of folks.</p> <p>9 Q. Okay. Now, you said that you began 10 working on the congressional plan in May at some 11 point; is that correct, when you found out that 12 Alabama would have seven seats in congress 13 apportioned to it?</p> <p>14 A. Yes, once we found out seven. And also 15 the guidelines were passed on May 5th. I started 16 work thereafter.</p> <p>17 Q. And you were using estimated census data 18 to sort of rough out what that plan might look like; 19 is that correct?</p> <p>20 A. That's correct.</p> <p>21 Q. And those estimated census data were 22 only available for whole counties, right?</p> <p>23 A. I believe that's the case, yes.</p> <p>24 Q. So you were having to work with whole 25 counties. And when the final census data came out,</p>	<p style="text-align: right;">Page 208</p> <p>1 answers were very accurate on what Maptitude had for 2 estimates.</p> <p>3 So I didn't -- I didn't -- I lumped some 4 counties together and I split some larger counties 5 based on precincts, knowing that those numbers were 6 not going to be very accurate, and then waited until 7 we got the real numbers.</p> <p>8 Q. Okay. And when you got the real 9 numbers, did you attempt to draw a whole county 10 plan?</p> <p>11 A. I did not.</p> <p>12 Q. And why did you not attempt to do that?</p> <p>13 A. No one asked me to do that. And, again, 14 my understanding of our guidelines would be that 15 that would not have followed the proper deviation.</p> <p>16 Q. Take a look at our whole county -- 17 MR. BLACKSHER: Can you mark a copy -- I 18 don't think it's been passed around yet -- just so 19 we can be talking from something, the same thing?</p> <p>20 MR. HARE: This will be Plaintiff's 21 Exhibit 12.</p> <p>22</p> <p>23 (Plaintiff's Exhibit 12 was 24 marked for identification.)</p> <p>25</p>
<p style="text-align: right;">Page 207</p> <p>1 you simply had to adjust with the correct 2020 2 legacy data; is that correct?</p> <p>3 A. That's correct. Although while the 4 estimates captured the flavor of the changes that 5 happened over the last ten years, meaning four 6 districts were over and three districts were under 7 and the estimates properly identified those 8 districts, they didn't really capture the magnitude 9 of it.</p> <p>10 Because I think the estimates had the 11 7th District being 30,000 and some odd number under 12 when it ended up being 54, and it had the 5th 13 District being something like 23,000 over when it 14 was really 43.</p> <p>15 So while it captured the over/under 16 nature of the districts, it didn't -- it didn't do a 17 particularly good job of capturing the ultimate 18 numbers.</p> <p>19 Q. Did you attempt drawing a whole county 20 plan at that point in May of 2021?</p> <p>21 A. No. I just -- no.</p> <p>22 Q. Why not?</p> <p>23 A. Well, I don't even consider it a plan. 24 I mean, I was just lumping together -- and I do 25 think I was able to split. I just don't think the</p>	<p style="text-align: right;">Page 209</p> <p>1 Q. So think along with me, Mr. Hinaman, 2 about how you might have attempted to reproduce your 3 starting point of the plan, which was the 2011 plan, 4 right?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And if you were going to attempt to take 7 the 2011 plan and create whole districts and you 8 start with Congressional District 7, then you would 9 try to make Jefferson, Tuscaloosa, and Montgomery 10 whole. And that's what this plan does, doesn't it?</p> <p>11 A. It does.</p> <p>12 Q. You would have attempted to keep as much 13 of the black belt together as you could. And that's 14 what this plan does, doesn't it?</p> <p>15 MR. WALKER: Objection. I'm not sure, 16 Jim, the way you're phrasing your questions, what 17 you're asking him. You seem to be telling him what 18 he would have been doing and then -- I'm just 19 confused.</p> <p>20 MR. BLACKSHER: I'm asking leading 21 questions, Counsel. Is that all right?</p> <p>22 MR. WALKER: Well, you're allowed to ask 23 leading questions. I just didn't understand what 24 you were doing. So go ahead, if that's what you 25 want to do.</p>

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<p style="text-align: right;">Page 210</p> <p>1 MR. BLACKSHER: Can you read the 2 question back, please, Court Reporter? I'm sorry. 3 (Record read.) 4 MR. WALKER: Objection to form. 5 A. It does, I guess. Hale and Perry I 6 think would be considered part of the black belt, 7 and that's in a different district. But by and 8 large, you're correct, yes. 9 Q. Switching gears for a minute. When you 10 met with Congresswoman Sewell, do I understand you 11 to say that she -- your testimony was that 12 Congresswoman Sewell wanted to keep her district the 13 way it is, adjusted for the population deviation 14 known; is that correct? 15 A. I would phrase it this way: I met with 16 Congresswoman Sewell and told her her district was 17 54,000 under. And I gave her some options of where 18 it made, in my opinion anyway, sense to gain folks 19 to make up that 54,000 difference. And then we 20 worked through that on the map. That's how I would 21 phrase it. 22 Q. Did Congresswoman Sewell tell you she 23 was opposed to attempting to draw two districts in 24 which blacks could elect candidates of their choice? 25 A. She did not. She didn't offer an</p>	<p style="text-align: right;">Page 212</p> <p>1 population in Montgomery -- in Tuscaloosa County, 2 north Tuscaloosa County, with a population that 3 extends into Montgomery County? 4 A. I didn't offer that. 5 Q. What did -- you said something in your 6 earlier examination about considering that option. 7 A. If I did, I didn't mean to. I did not 8 consider that option. 9 Q. You did not consider that option? 10 A. No, I did not. 11 Q. Why not? 12 A. Because I started with her existing 13 cores of districts and I looked at what she needed 14 to gain, and I suggested areas that she may wish to 15 gain in. And we worked through the map and made 16 those changes. 17 Q. Well, I mean, was the -- is the little 18 -- the extension of District 7 that goes into 19 Montgomery County part of the core of that 20 district, in your opinion? 21 A. It may be now. It probably wasn't at 22 the -- obviously, I don't think it existed at the 23 beginning. It's a lot of people. I mean, I don't 24 know the exact number. We can obviously look it 25 up. But it's --</p>
<p style="text-align: right;">Page 211</p> <p>1 opinion, to my knowledge, on that issue. 2 Q. Say again. 3 A. She didn't offer an opinion on that, to 4 my knowledge. 5 Q. And you didn't ask her about it? 6 A. I did not. 7 Q. Were you aware of all of the 8 nongovernmental organizations and grass roots 9 organizations in Alabama who have been urging the 10 legislature to draw two districts from which blacks 11 can elect candidates of their choice? 12 A. I'm not sure that I was that aware of it 13 in our initial meetings in May. Obviously, once 14 public hearings were held and your whole county plan 15 came out and so forth and so on, I was obviously 16 more aware of it at that point. 17 Q. Okay. So what you're saying is that you 18 simply sat down with Ms. Sewell and made suggestions 19 on how to increase -- get 53,000 and some odd 20 additional population in District 7, correct? 21 A. That's correct, and keeping her existing 22 -- the core of her existing district together. 23 Q. And didn't I hear you say you suggested 24 that one option might be to making Tuscaloosa County 25 and Montgomery County whole; that is, swapping the</p>	<p style="text-align: right;">Page 213</p> <p>1 Q. Well, I can tell you that based on the 2 data that Dorman Walker and the reapportionment 3 committee provided to us, the population of 4 District 7 in Montgomery County is 62,519. 5 A. Okay. 6 Q. And the population of the portion of 7 Tuscaloosa County that's in District 4, the 8 northern part of Tuscaloosa County, is 42,770. So 9 there's about a 20,000 difference between those two 10 split counties making them whole in District 7. 11 MR. BLACKSHER: So I'm going to ask 12 Eli, if he would, to mark up those two documents 13 that show -- that are labeled Plan Tuscaloosa and 14 Montgomery Whole and show it to Mr. Hinaman. 15 MR. HARE: I'm going to mark them as 16 -- the map as Plaintiff's 13, and then the chart or 17 the data sheet as Plaintiff's 14, Jim. 18 19 (Plaintiff's Exhibits 13&14 20 were marked for identification.) 21 22 Q. I'll tell you, Mr. Hinaman, that I did 23 this with Dave's Redistricting app. Are you 24 familiar with Dave's Redistricting app? 25 A. I've heard of it. I've never used it.</p>

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<p style="text-align: right;">Page 214</p> <p>1 Q. Okay. And I did exactly what I just 2 suggested. I made -- took Montgomery County 3 completely out of District 7, and I put all of 4 Tuscaloosa County into District 7. And that 20,000 5 difference I got out of Jefferson County.</p> <p>6 Otherwise, it looks pretty close to 7 the map that you ended up drawing and that was 8 enacted. But, of course, would you -- would agree 9 that it otherwise (inaudible) the one that you 10 drew?</p> <p>11 A. Yeah. Obviously, there's a split in 12 Blount and a split in Etowah that I don't have. 13 But yeah.</p> <p>14 Q. Well, this is a good point. When you 15 talk about making changes in District 7 like I just 16 did with Dave's, you end up requiring changes in 17 several of the surrounding districts.</p> <p>18 I mean, for example, because District 19 6 lost population to District 7, I elected to get 20 some population out of Blount. And that ended up 21 splitting Blount.</p> <p>22 A. Right.</p> <p>23 Q. And because Montgomery County went 24 into District 2, I ended up having to do a little 25 split of Elmore County, right?</p>	<p style="text-align: right;">Page 216</p> <p>1 didn't -- this is drawn with precincts. So you're 2 going to have to split some precincts, right?</p> <p>3 A. Yes, sir.</p> <p>4 Q. But that usually can be done after you 5 have achieved the goal you set out to in broader 6 terms in your districting scheme, right?</p> <p>7 A. Sure.</p> <p>8 Q. There are a lot of ways that you can 9 split precincts or counties in order to achieve 10 this -- this sacred zero deviation objective. And 11 yet you didn't consider this option at all when you 12 were going over the plan with Congresswoman Sewell; 13 is that correct?</p> <p>14 A. That's correct.</p> <p>15 Q. She did not -- she did not have an 16 option to consider this arrangement, right?</p> <p>17 MR. WALKER: Objection to form.</p> <p>18 A. Obviously, she could have said how 19 about if I get all of Tuscaloosa County and come 20 out of Montgomery? Which she said neither.</p> <p>21 Q. Well, I wonder if the reason she said 22 neither is because it turns out that doing that 23 reduces the BVAP, the black voting age population, 24 to 49.79 percent?</p> <p>25 MR. WALKER: For CD 7?</p>
<p style="text-align: right;">Page 215</p> <p>1 A. Yes, sir.</p> <p>2 Q. And on up the line, if you will. But, 3 of course, I didn't have to interfere with the 4 split you made in Lauderdale County. And these are 5 -- and this is not zero deviation.</p> <p>6 If you look to the left in that table, 7 you will see that there are as many as 471 people 8 in District 2 who are going to have to be -- I'm 9 sorry. District 3 who are going to have to be 10 taken out, right?</p> <p>11 A. Yeah. I'll take -- I can't find that 12 number on this sheet. But I'll take your word for 13 it.</p> <p>14 Q. Well, it's on the map.</p> <p>15 A. Oh, I'm sorry. Yeah, I see it. Thank 16 you. I was looking on the corresponding number 17 sheet. Sorry.</p> <p>18 Q. The point I want to make here is isn't 19 it true when you're drawing maps and you get to 471 20 people who have to be moved in order to get to zero 21 deviation, you go down to the block level, right?</p> <p>22 A. Most times, yeah. Precincts aren't 23 going to have an exact number or that small a 24 number.</p> <p>25 Q. And I'll represent to you that I</p>	<p style="text-align: right;">Page 217</p> <p>1 THE REPORTER: For what?</p> <p>2 MR. WALKER: CD 7.</p> <p>3 Q. Do you see that in the statistical 4 table?</p> <p>5 A. Yes, sir, I do.</p> <p>6 Q. So would that have been a problem for 7 Terri Sewell based on what she was telling you were 8 her objectives?</p> <p>9 A. I don't know specifically. I don't 10 think she considered this map. So I can't -- I 11 don't really know how to answer your question.</p> <p>12 Q. Okay. Did you and Congresswoman 13 Sewell discuss the whole county plan, the League of 14 Women Voters' whole county plan?</p> <p>15 A. We did not. I don't think it -- in 16 our initial meetings, I don't think it existed. Or 17 at least I was not aware of it. I don't think she 18 was. So we really did not.</p> <p>19 Q. It didn't exist in May, but it did 20 exist before you finalized the plan that became 21 HB-1, right?</p> <p>22 A. Correct.</p> <p>23 Q. And September 1, 2021, was the first 24 public hearing of the reapportionment committee.</p> <p>25 And the League of Women Voters was the first</p>

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<p style="text-align: right;">Page 218</p> <p>1 witness at the first hearing offering that plan; 2 isn't that correct?</p> <p>3 A. I wasn't at that hearing. But I'll 4 take your word for it.</p> <p>5 Q. So you're telling us that the 6 whole county plan offered by the League of Women 7 Voters was never discussed at all when you were 8 communicating with Congresswoman Sewell?</p> <p>9 A. I don't believe it -- maybe it was 10 discussed at the very end about what other plans 11 are out there. We may have had a minor discussion 12 about -- frankly, I think at that point in time 13 yours would have been the only other publicly 14 acknowledged congressional plan. So she may have 15 mentioned it. But we didn't have a very healthy 16 discussion about it. Let's put it that way.</p> <p>17 Q. What do you mean not healthy?</p> <p>18 A. Very long, very detailed. She was 19 asking what other plans have you heard about. And 20 I think at that point, yours was the only one that 21 was public at that point in time.</p> <p>22 Q. Did she tell you she would object to 23 that plan?</p> <p>24 A. We didn't have that detailed a 25 discussion about it.</p>	<p style="text-align: right;">Page 220</p> <p>1 Terri Sewell doesn't even live in District 7 under 2 your whole county plan. She lives in District 6.</p> <p>3 Q. I'm sorry. I'm not being clear, and 4 my question was not understood by you.</p> <p>5 I'm just asking if the court wanted to 6 change the array -- if it was drawing a 7 court-ordered plan and it wanted to make the whole 8 county plan 5 and 4 look more like the whole -- 9 like the 5 and 4 districts in the enacted plan, it 10 would simply be a matter of balancing out the 11 populations between 4 and 5, correct, splitting 12 some counties as needed?</p> <p>13 A. Yeah. Obviously, 4 has changes in 14 Tuscaloosa and St. Clair that are different than 15 the enacted plan.</p> <p>16 Q. Every -- every change has a ripple 17 effect, right?</p> <p>18 A. Yes, sir.</p> <p>19 Q. All right. But there would be no 20 problem in putting Lauderdale, Colbert, and 21 Franklin in CD 4 and moving Morgan County back up 22 into CD 5 if the court wanted to do that and made 23 the splits necessary to bring it into population 24 equality; isn't that correct?</p> <p>25 A. Yeah. These hypothetical the court</p>
<p style="text-align: right;">Page 219</p> <p>1 Q. So we don't know -- we don't know 2 whether Congresswoman Sewell would be happy with 3 the whole county plan or not; is that correct?</p> <p>4 A. I do not know, no. You may know.</p> <p>5 Q. Sir?</p> <p>6 A. I don't know. I mean, you may have 7 talked to her about it. I don't have any knowledge 8 of it directly.</p> <p>9 Q. I understand.</p> <p>10 Can you take another look at the 11 whole county plan map, please?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And compare it -- and compare it with 14 the map of the 55 -- 555 plan, HB-1, the enacted 15 plan.</p> <p>16 A. Yes, sir. Exhibit 5.</p> <p>17 Q. If the court wanted to -- was drawing 18 a remedial plan in this case, just for the sake of 19 argument, it had reached the point where it was 20 going to draw its own plan, and it wanted to change 21 the whole county plan to look more like the plan 22 that the legislature enacted, that would simply be 23 a matter of changing the array between Districts 5 24 and 4, correct?</p> <p>25 A. No. I mean -- well, first of all,</p>	<p style="text-align: right;">Page 221</p> <p>1 wants to change things are hard for me. But yes, I 2 guess that's correct.</p> <p>3 Q. I'm looking at the map of the plan you 4 drew in 1992 that was adopted by the three-judge 5 court in West versus Hunt. Did that map ever get 6 shown to you today, or not?</p> <p>7 A. It has not been shown to me today.</p> <p>8 MR. BLACKSHER: Okay. I'm looking at 9 it in the amended complaint. I don't know if 10 anyone has a copy there that they can show 11 Mr. Hinaman or not.</p> <p>12 But do you recall, Mr. Hinaman, that 13 the plan you drew in 1992 included all of the same 14 counties that are in the plan you drew in 2021?</p> <p>15 A. I'm not sure I -- I'm not sure I know 16 what that -- I'm not sure I know what you mean by 17 that.</p> <p>18 Q. The plan that you drew in 1992 had 19 Clarke split, it had Pickens split, Tuscaloosa and 20 Jefferson split, and Montgomery County split.</p> <p>21 Now, your plan in 2021 leaves Pickens 22 whole, correct?</p> <p>23 A. Correct, and Clarke whole.</p> <p>24 Q. And Clarke whole. But Tuscaloosa, 25 Jefferson, and Montgomery are still split?</p>

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1 A.	Yes, sir.	1 into the plan. But they chose to allow the members	
2 Q.	So your 2021 plan, the plan you drew	2 of congress to talk about what areas they wanted to	
3 and that was enacted by the legislature in 2021,	3 gain and lose underneath the guidelines that they		
4 preserves the core of the 1992 plan that you drew;	4 had already passed.		
5 is that correct?		5 Q. And, in fact, in 19 -- let's see.	
6 A. It's -- it's correct. But you've	6 Excuse me.		
7 missed a few steps along the way, obviously.		7 In 2011, that's what the legislature	
8 Because as we discussed earlier in the deposition		8 did, as well. They simply deferred to what the	
9 testimony, it more preserves the cores of the 2011		9 congressional delegation wanted in redrawing that	
10 districts, which I guess by chain preserve some of		10 plan, right?	
11 the 2001 districts, which the legislature preserved		11 A. No, that's not -- that was the goal I	
12 some of the 1992 districts, if that made any sense.		12 had. But that's not what happened. When we got --	
13 In other words, I did not use the 1992		13 as you may remember, when we got to the senate	
14 map as the starting point for my 2021 map.		14 floor, there were some members of the senate who	
15 Q. No. You used the 2011 plan, correct?		15 may have wanted to run in one district or another	
16 A. Correct.		16 who moved some things around.	
17 Q. And isn't it true that the 2002 plan		17 My map -- my initial map in 2011	
18 and the 2011 plan preserved the cores -- the core		18 didn't even have the 4th District in Tuscaloosa.	
19 of the 1992 plan?		19 It had the 6th District in Tuscaloosa.	
20 A. For the most part.		20 So there were numerous changes made on	
21 Q. Can we sum up your testimony about how		21 the senate floor and probably subsequently the	
22 you went about drawing the 2021 enacted plan by		22 house floor from the map that the members and I	
23 saying that you drew the plan so that it satisfied		23 worked on, members of congress and I worked on.	
24 what each incumbent member of the Alabama		24 Q. But that didn't happen in 2021?	
25 congressional delegation wanted? That was your		25 A. It did not happen in 2021. The map	
	Page 223		Page 225
1 primary guideline, right?		1 that came out of -- the map that I gave to the	
2 A. Well, that was a part of it. My		2 chairs that was offered at the reapportionment	
3 primary guidelines were the guidelines given to me		3 committee was not amended through the process. So	
4 by the reapportionment committee, and then based		4 it was identical to what was passed into law and	
5 off of the subsequent population shifts over the		5 signed by the governor.	
6 last ten years to repopulate or take away from,		6 Q. Okay. So let me just go over -- I	
7 depending on the over/under of each district,		7 think I'm about finished here. I want to make sure	
8 population, and geography to reach the required		8 I understand what your testimony is.	
9 guidelines of zero deviation and preserving the		9 You considered no other plans that did	
10 cores of districts.		10 not have a zero deviation; is that correct? You	
11 And, of course, where possible -- and		11 never considered drawing a plan that did not have a	
12 we've had a couple of minor cases where it wasn't,		12 zero deviation?	
13 as we discussed with Representative Moore and so		13 A. That's correct. My understanding and	
14 forth. But preserving what the incumbents would		14 -- my understanding of the guidelines required us	
15 have -- would like to accomplish, as well.		15 to be at zero deviation.	
16 Q. But your testimony is that nobody else		16 Q. And you understood, didn't you, that	
17 but the members of the Alabama congressional		17 Jefferson County was now at a population level that	
18 delegation had any input into the decisions you		18 was smaller than an ideal congressional district	
19 made about how to draw that plan; isn't that		19 and, therefore, no longer needed to be split? You	
20 correct?		20 were aware of that, weren't you?	
21 A. That's pretty much correct, yes, sir.		21 A. I'm aware of it. I'm not sure I	
22 Q. No member of the Alabama legislature's		22 focused on it. But what you say is true.	
23 reapportionment committee, including its chairs,		23 Q. It wasn't -- it wasn't a priority for	
24 had any input into that plan; isn't that correct?		24 you to try to make Jefferson County whole? That's	
25 A. They had all the input they wanted		25 what you're saying?	

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<p style="text-align: right;">Page 226</p> <p>1 A. That's correct.</p> <p>2 And, frankly, when I started the 3 meetings, I didn't even -- at the time I started 4 the meetings -- subsequently I realized it. But at 5 the time I started the meetings, I actually thought 6 that both Representative -- Congresswoman Sewell 7 and Congressman Palmer both lived in Jefferson 8 County. As I turned out, he had -- Representative 9 Palmer had moved over the last few years into 10 Shelby.</p> <p>11 But at the time, I would have thought 12 that that wasn't possible under our guidelines. 13 Because when I started the process, I thought they 14 both lived in Jefferson County.</p> <p>15 Q. But, in fact, you found out that 16 Congressman Gary Palmer lives about three blocks 17 south of the Jefferson County line in Shelby 18 County, and Congresswoman Sewell lives about a mile 19 away from where Palmer lives. But she's on the 20 Jefferson side of the line in Lake Cyrus, right?</p> <p>21 A. That's correct, yeah.</p> <p>22 Q. But I also understood you to say that 23 Congresswoman Sewell considered making her 24 residence, for purpose of redistricting, Dallas 25 County. Am I correct?</p>	<p style="text-align: right;">Page 228</p> <p>1 perfectly comfortable. But I've -- I've seen in 2 other races where, you know, the fact that somebody 3 doesn't reside in their district is not a positive 4 when you get around to campaigning.</p> <p>5 Q. Okay. I think I'm about done here. I 6 need one more look at my notes.</p> <p>7 That's it. Thank you very much,</p> <p>8 Mr. Hinaman.</p> <p>9 A. Thank you.</p> <p>10 MS. MADDURI: This is Lali Madduri for 11 the Caster plaintiffs. We don't have any 12 questions.</p> <p>13 MR. THOMPSON: I think that's all the 14 questions that I have at this time, too. So on 15 behalf of all the plaintiffs, I'll pass the witness 16 at this time.</p> <p>17 MR. WALKER: Let us have a few 18 minutes.</p> <p>19 THE VIDEOGRAPHER: We're off the 20 record. The time is 3:34 p.m.</p> <p>21 (Recess was taken.)</p> <p>22 THE VIDEOGRAPHER: We are back on the 23 record. The time is 3:39 p.m.</p> <p>24 MR. WALKER: We have nothing to ask 25 Mr. Hinaman. So I guess we're done. Thank you</p>
<p style="text-align: right;">Page 227</p> <p>1 A. I'm not sure I would phrase it that 2 way.</p> <p>3 When asked what residence -- when 4 asked for her residence address so it could be put 5 in the computer so that we would make sure she was 6 inside her district, she gave us both her address 7 where she votes at, which is obviously Jefferson 8 County, and her ancestral home. I don't know the 9 right way to phrase it. Where she grew up in 10 Dallas County.</p> <p>11 Q. She grew up in Selma, right?</p> <p>12 A. Yes. Yes, sir.</p> <p>13 Q. Okay. And you're aware, aren't you, 14 that there is no residency requirement for members 15 of congress, aren't you?</p> <p>16 A. I am aware. I'm also aware it's 17 exceedingly difficult to get elected when you're 18 outside of your district. It makes a rather good 19 TV spot.</p> <p>20 Q. So even though congress -- Congressman 21 Palmer still lives in the city of Birmingham, he's 22 in that part that extends into Shelby County, he 23 would not feel comfortable representing the 24 Birmingham area again; is that right?</p> <p>25 A. I don't know that. He may feel</p>	<p style="text-align: right;">Page 229</p> <p>1 very much, everyone.</p> <p>2 THE VIDEOGRAPHER: This ends the 3 deposition of Randy Hinaman. The time is now 4 3:40 p.m.</p> <p>5</p> <p>6 (DEPOSITION ENDED AT 3:40 P.M.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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2 JEFFERSON COUNTY)

3

4 I hereby certify that the above
5 proceedings were taken down by me and transcribed
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11 anyway financially interested in the result of
12 this case.

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

EVAN MILLIGAN, et al.,

Plaintiffs,

v.

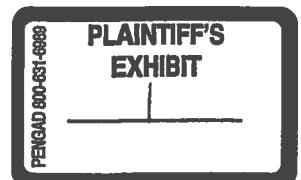
JOHN H. MERRILL, et al.,

Defendants.

Civil Case No. 2:21-CV-01530-AMM

**PLAINTIFFS' AMENDED NOTICE OF
DEPOSITION FOR RANDY HINAMAN**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure, Plaintiffs Evan Milligan, Khadidah Stone, Adia Winfrey, Letetia Jackson, Shalela Dowdy, Greater Birmingham Ministries, and the Alabama State Conference of the NAACP, (collectively, "Plaintiffs") will take the deposition of Mr. Randy Hinaman. The deposition will commence on December 9, 2021, at 9:00 am CDT, at 105 Tallapoosa Street, Suite 200, Montgomery, AL 36104 (or at such other time and place as the parties may mutually agree upon). The deposition will be recorded stenographically by a certified court reporter, and may be recorded by video and audio by a certified videographer. The deposition will take place in-person and/or by videoconference and will continue from day to day, or according to a schedule mutually agreed upon by the parties, until completed.



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*Motion for admission *pro hac vice* to be filed
**Admitted *pro hac vice*
^Request for admission to the Northern District of Alabama

Attorneys for Plaintiffs

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State Conference of the NAACP*

UNITED STATES DISTRICT COURT

for the

Northern District of Alabama

EVAN MILLIGAN, et al.,

)

Plaintiff

)

v.

Civil Action No. 2:21-cv-01530-AMM

JOHN H. MERRILL, et al.

)

Defendant

)

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Randy Hinaman

(Name of person to whom this subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place: 105 Tallapoosa Street, Suite 200
Montgomery, AL 36104

Date and Time:

12/09/2021 9:00 am

The deposition will be recorded by this method: court reporter/videographer

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

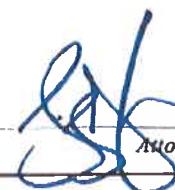
The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 12/03/2021

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk



Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiffs
Evan Milligan, et al., , who issues or requests this subpoena, are:

Sidney Jackson, Esq.; 301 19th St. N., Birmingham, AL 35203; sjackson@wigginschilde.com; 205-314-0500

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PLAINTIFF'S EXHIBIT
2

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) **For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
 - (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
- (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) **For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) **When Required.** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

HINAMAN INC.

Randy Hinaman
Hinaman and Company, Inc.
703 Day Lane, Alexandria, VA 22314
703.549.6760 sharh1@comcast.net

1989 – Present	Owner and principal – Hinaman & Company, Inc. A general political consulting firm specializing in developing a winning strategy and assembling a campaign team for a select number of political clients. The firm's present and former clients include (partial list): Congressman Jo Bonner (R-AL-01) Congressman Bob Goodlatte (R-VA-06) Senator John Warner (R-VA) Senator Jeff Sessions (R-AL) Congressman Sonny Callahan (R-AL-01) Congressman Herb Batemen (R-VA-01) Congressman Tom Lewis (R-FL-12) Lieutenant Governor John Hager (R-VA) National Republican Congressional Committee All 7 Alabama Congressmen for redistricting 2011 Citizens for Fair Representation (AL) All 8 Republican Congressmen in VA for redistricting 2012 American Dental Association
1985 – 1988	Chief of Staff, Congressman Sonny Callahan (R-AL-01)
1984	Campaign Manager, Sonny Callahan for Congress
1984	Campaign Manager, Congressman Tom Lewis (R-FL-12)
1983	State Director – Roanoke Office, U. S. Senator Paul Trible (R-VA)
1982	Campaign Manager, Herb Bateman for Congress (R-VA-1)
1981	Campaign Manager, Herb Bateman for Lt. Governor
1980	Campaign Manager, Stan Parris for Congress (R-VA-08)
1979 – 1980	National Field Director – Youth Campaign, Reagan for President
1979	National Fieldman, Young Republican National Federation

PLAINTIFF'S
EXHIBIT

3

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

| ALABAMA LEGISLATIVE)
BLACK CAUCUS, et al.,)
)
Plaintiffs,)
) Case No. 2:12-cv-691
) WKW-MHT-WHP
)
THE STATE OF ALABAMA, et al.,)
)
Defendants.)
)
)
DEMETRIUS NEWTON, et al.,)
)
Plaintiffs,)
)
)
v.) Case No. 2:12-cv-1081
) WKW-MHT-WHP
THE STATE OF ALABAMA, et al.,)
)
Defendants.)

DECLARATION OF RANDY HINAMAN

1. My name is Randy Hinaman. I am over the age of 21 years, have personal knowledge of the facts set forth, and am competent to testify regarding them.

2. I have substantial experience in drafting redistricting plans in Alabama, including drawing the congressional plan adopted by the three-



4. In drawing the lines for all the new districts, I used information conveyed to me by Senator Dial, Representative McClendon, and individual legislators to try to make sure we accommodated the legislators' wishes to the extent possible. I did make recommendations, including the recommendations to move HD 53 from Birmingham to Huntsville and to make HD 85 a majority-black district thereby increasing the total number of black-majority districts under the House plan to 28, but the decision to follow those recommendations was made by Representative McClendon, not by me.

5. Senator Dial gave me a map of the Birmingham-area black-majority Senate districts (SDs 18, 19, and 20) that I understood came from Senator Rodger Smitherman. That map did not include any demographic information with it, but when I looked at the neighborhoods included in the new district boundaries, I saw that the black population in the proposed new districts was about the same percentage as in the old districts. That map also split a number of precincts, which I input into the draft Senate plan as they came to me. I estimate that I used 90-95% of that map in drawing the lines for the Senate plan, with the changes coming around the edges of the districts. The decision to follow these recommendations was made by Senator Dial.

Even so, I estimate that I used a great deal of the map that I received from Representative McClendon. HD 73 was moved to Shelby County, the fastest growing county in Alabama and one whose existing House districts were all over-populated. Again the decision to follow these recommendations, including the recommendation to move HD 73 to Shelby County, was made by Representative McClendon, not by me.

8. I recommended that HD 53 be moved from Birmingham to Huntsville because all of the black-majority districts in Jefferson County were significantly under-populated, while there was a compact, contiguous group of black voters in the Huntsville area that was large enough to be a majority in a Shaw-compliant House district. While the black-majority districts in Jefferson County needed to gain population, adding white voters from the rest of Jefferson County posed a serious problem with retrogression. Something had to be done, and the solution was to move the population from one of the black-majority districts into the adjoining districts and ripple it through to the other black-majority districts. I was told that Representative Demetrius Newton was retiring, so I suggested rolling up HD 53, which he represented. Again, the decision to move HD 53 to Madison County, where it became a new black-majority House district with

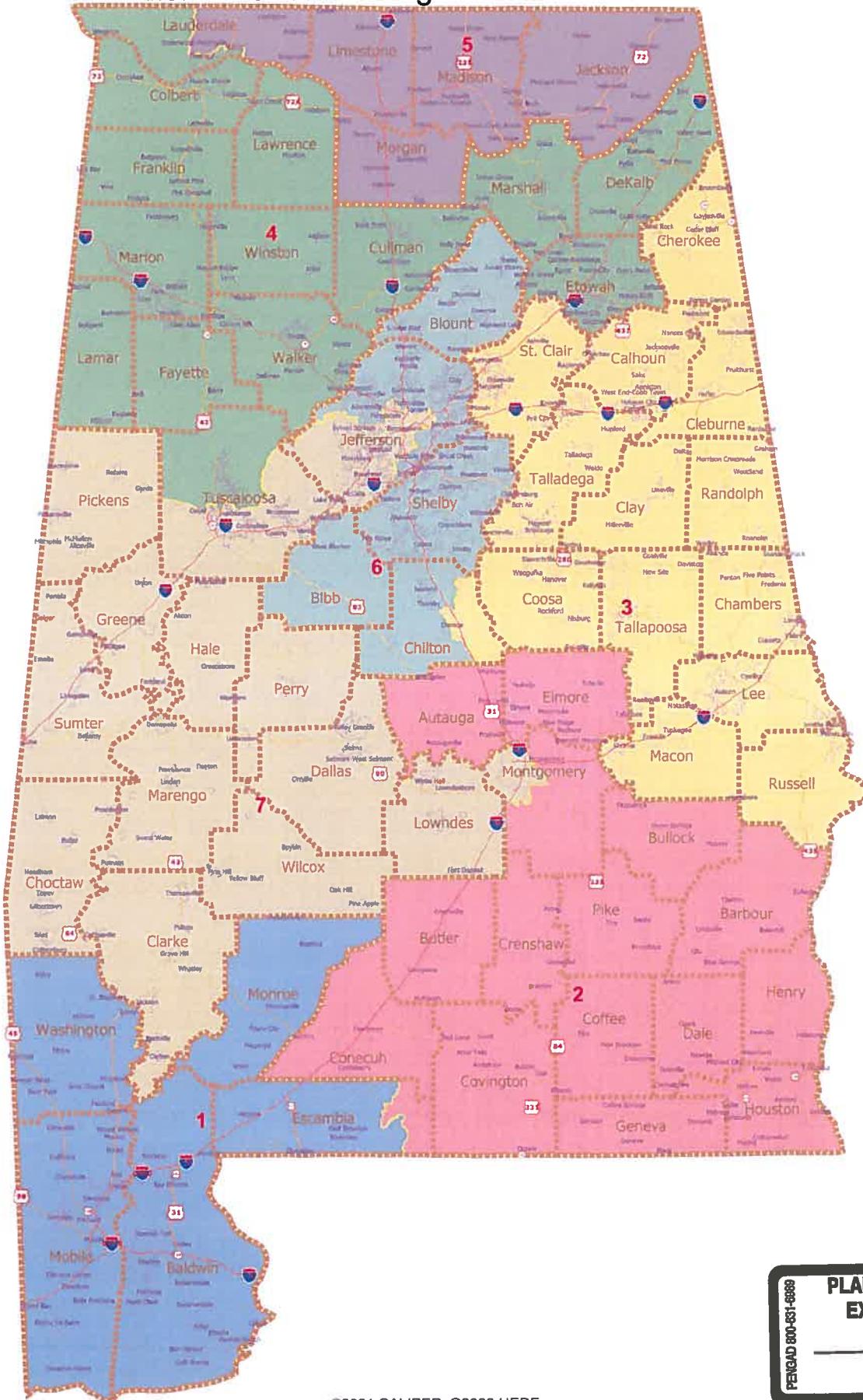
majority districts, and the best place to get the additional population was by pushing south into SD 22 and east into SD 30. That would cause less disruption to other districts than pushing north and east toward Tuscaloosa. This also kept the African-American percentages nearly identical to what they had been. Pushing south had the additional benefit of putting the extra 19,000 people in SD 32 in Baldwin County into a district that met the allowable population deviation. As a result, the changes I proposed included pushing SD 22 further into Baldwin County. Senator Dial made the decision on how to fit these districts into the Senate plan, not me.

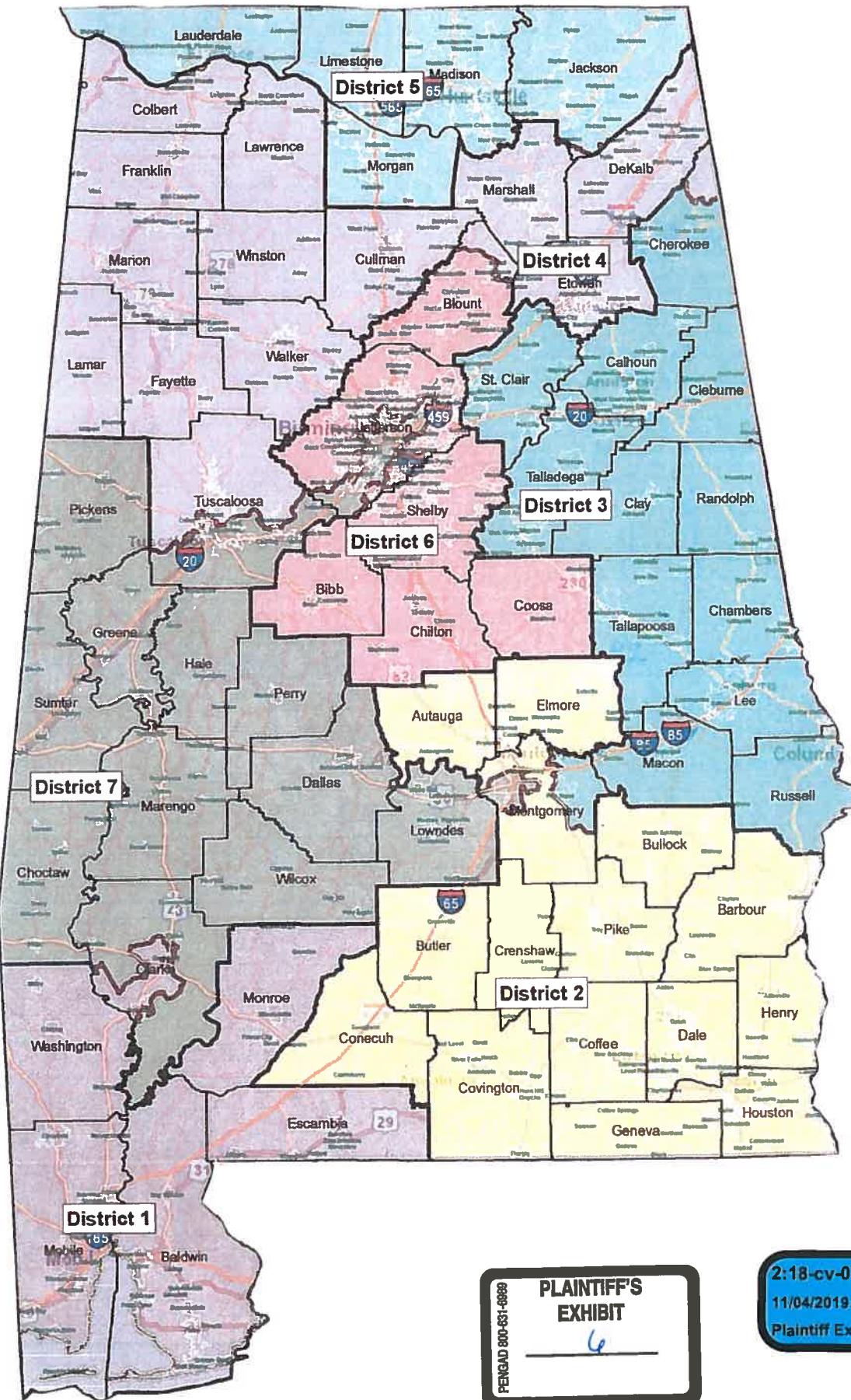
Pursuant to 18 U.S.C. § 1746, I affirm that the foregoing is true and correct to the best of my knowledge and belief.



Randy Hinaman

2021 Alabama Congressional Plan



2011 Congressional Districts**FILED**2019 Dec-04 PM 12:37
U.S. DISTRICT COURT
N.D. OF ALABAMA

PLAINTIFF'S EXHIBIT
6

PENGAD 800-631-6868

2:18-cv-00907-KOB
11/04/2019 Bench Trial
Plaintiff Exhibit No. 20

1 **REAPPORTIONMENT COMMITTEE REDISTRICTING GUIDELINES**

2 **May 5, 2021**

3 **I. POPULATION**

4 The total Alabama state population, and the population of defined subunits
5 thereof, as reported by the 2020 Census, shall be the permissible data base used
6 for the development, evaluation, and analysis of proposed redistricting plans. It is
7 the intention of this provision to exclude from use any census data, for the purpose
8 of determining compliance with the one person, one vote requirement, other than
9 that provided by the United States Census Bureau.

10 **II. CRITERIA FOR REDISTRICTING**

11 a. Districts shall comply with the United States Constitution, including the
12 requirement that they equalize total population.

13 b. Congressional districts shall have minimal population deviation.

14 c. Legislative and state board of education districts shall be drawn to achieve
15 substantial equality of population among the districts and shall not exceed an
16 overall population deviation range of ±5%.

17 d. A redistricting plan considered by the Reapportionment Committee shall
18 comply with the one person, one vote principle of the Equal Protection Clause of
19 the 14th Amendment of the United States Constitution.

20 e. The Reapportionment Committee shall not approve a redistricting plan that
21 does not comply with these population requirements.

22 f. Districts shall be drawn in compliance with the Voting Rights Act of 1965, as
23 amended. A redistricting plan shall have neither the purpose nor the effect of
24 diluting minority voting strength, and shall comply with Section 2 of the Voting
25 Rights Act and the United States Constitution.

26 g. No district will be drawn in a manner that subordinates race-neutral
27 districting criteria to considerations of race, color, or membership in a language-
28 minority group, except that race, color, or membership in a language-minority
29 group may predominate over race-neutral districting criteria to comply with
30 Section 2 of the Voting Rights Act, provided there is a strong basis in evidence in
31 support of such a race-based choice. A strong basis in evidence exists when there
32 is good reason to believe that race must be used in order to satisfy the Voting Rights
33 Act.



1 precincts, municipalities, tribal lands and reservations, or school districts. The
2 discernment, weighing, and balancing of the varied factors that contribute to
3 communities of interest is an intensely political process best carried out by elected
4 representatives of the people.

5 (iv) The Legislature shall try to minimize the number of counties in each district.

6 (v) The Legislature shall try to preserve the cores of existing districts.

7 (vi) In establishing legislative districts, the Reapportionment Committee shall
8 give due consideration to all the criteria herein. However, priority is to be given to
9 the compelling State interests requiring equality of population among districts and
10 compliance with the Voting Rights Act of 1965, as amended, should the
11 requirements of those criteria conflict with any other criteria.

12 g. The criteria identified in paragraphs j(i)-(vi) are not listed in order of
13 precedence, and in each instance where they conflict, the Legislature shall at its
14 discretion determine which takes priority.

15 III. PLANS PRODUCED BY LEGISLATORS

16 1. The confidentiality of any Legislator developing plans or portions thereof
17 will be respected. The Reapportionment Office staff will not release any
18 information on any Legislator's work without written permission of the Legislator
19 developing the plan, subject to paragraph two below.

20 2. A proposed redistricting plan will become public information upon its
21 introduction as a bill in the legislative process, or upon presentation for
22 consideration by the Reapportionment Committee.

23 3. Access to the Legislative Reapportionment Office Computer System, census
24 population data, and redistricting work maps will be available to all members of
25 the Legislature upon request. Reapportionment Office staff will provide technical
26 assistance to all Legislators who wish to develop proposals.

27 4. In accordance with Rule 23 of the Joint Rules of the Alabama Legislature
28 “[a]ll amendments or revisions to redistricting plans, following introduction as a
29 bill, shall be drafted by the Reapportionment Office.” Amendments or revisions
30 must be part of a whole plan. Partial plans are not allowed.

31 5. In accordance with Rule 24 of the Joint Rules of the Alabama Legislature,
32 “[d]rafts of all redistricting plans which are for introduction at any session of the
33 Legislature, and which are not prepared by the Reapportionment Office, shall be
34 presented to the Reapportionment Office for review of proper form and for entry
35 into the Legislative Data System at least ten (10) days prior to introduction.”

1 3. Any proposed redistricting plan drafted into legislation must be offered by a
2 member of the Legislature for introduction into the legislative process.

3 4. A redistricting plan developed outside the Legislature or a redistricting plan
4 developed without Reapportionment Office assistance which is to be presented for
5 consideration by the Reapportionment Committee must:

6 a. Be clearly depicted on maps which follow 2020 Census geographic
7 boundaries;

b. Be accompanied by a statistical sheet listing total population for each district and listing the census geography making up each proposed district:

10 c. Stand as a complete statewide plan for redistricting.

11 d. Comply with the guidelines adopted by the Reapportionment Committee.

12 5. Electronic Submissions

13 a. Electronic submissions of redistricting plans will be accepted by the
14 Reapportionment Committee.

15 b. Plans submitted electronically must also be accompanied by the paper
16 materials referenced in this section.

17 c. See the Appendix for the technical documentation for the electronic
18 submission of redistricting plans.

19 6. Census Data and Redistricting Materials

20 a. Census population data and census maps will be made available through the
21 Reapportionment Office at a cost determined by the Permanent Legislative
22 Committee on Reapportionment.

23 b. Summary population data at the precinct level and a statewide work maps
24 will be made available to the public through the Reapportionment Office at a cost
25 determined by the Permanent Legislative Committee on Reapportionment.

26 c. All such fees shall be deposited in the state treasury to the credit of the
27 general fund and shall be used to cover the expenses of the Legislature.

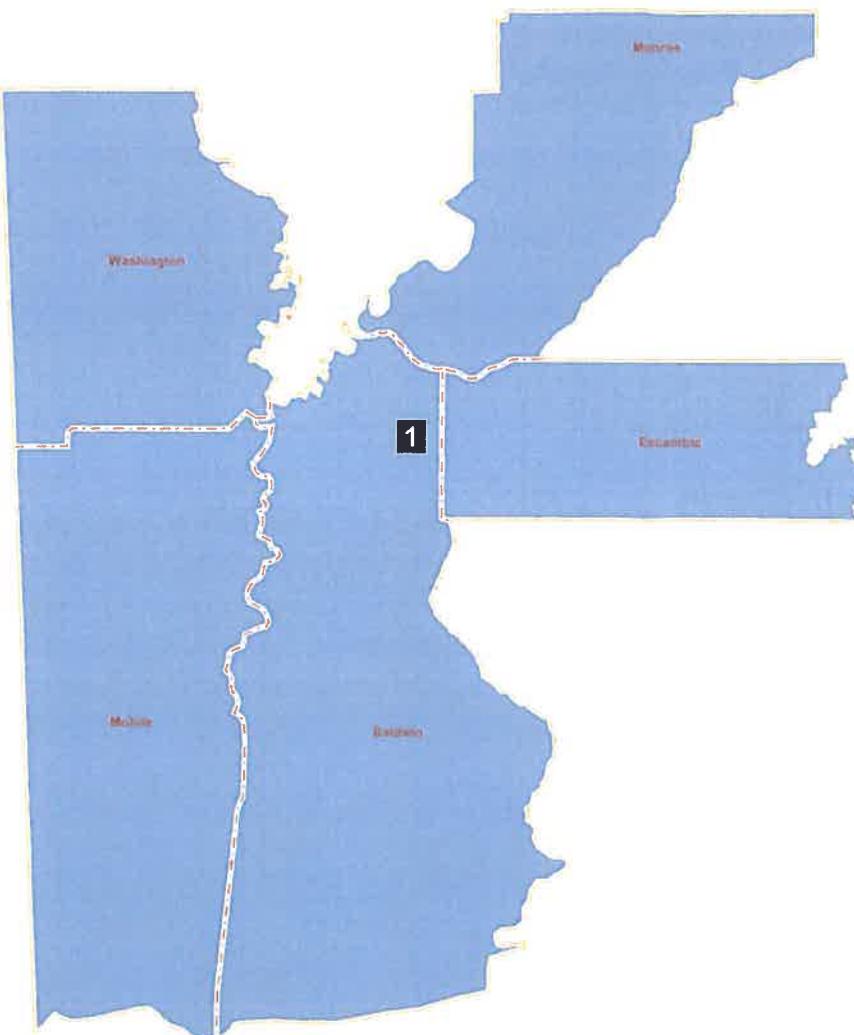
Appendix.

ELECTRONIC SUBMISSION OF REDISTRICTING PLANS

REAPPORTIONMENT COMMITTEE - STATE OF ALABAMA

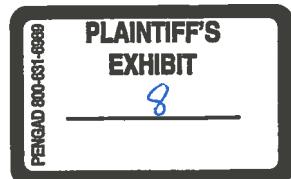
1 For questions relating to reapportionment and redistricting, please contact:
2 Donna Overton Loftin, Supervisor
3 Legislative Reapportionment Office
4 donna.overton@alsenate.gov

5 Please Note: The above e-mail address is to be used only for the purposes of
6 obtaining information regarding redistricting. Political messages, including those
7 relative to specific legislation or other political matters, cannot be answered or
8 disseminated via this email to members of the Legislature. Members of the
9 Permanent Legislative Committee on Reapportionment may be contacted through
10 information contained on their Member pages of the Official Website of the
11 Alabama Legislature, legislature.state.al.us/aliswww/default.aspx.

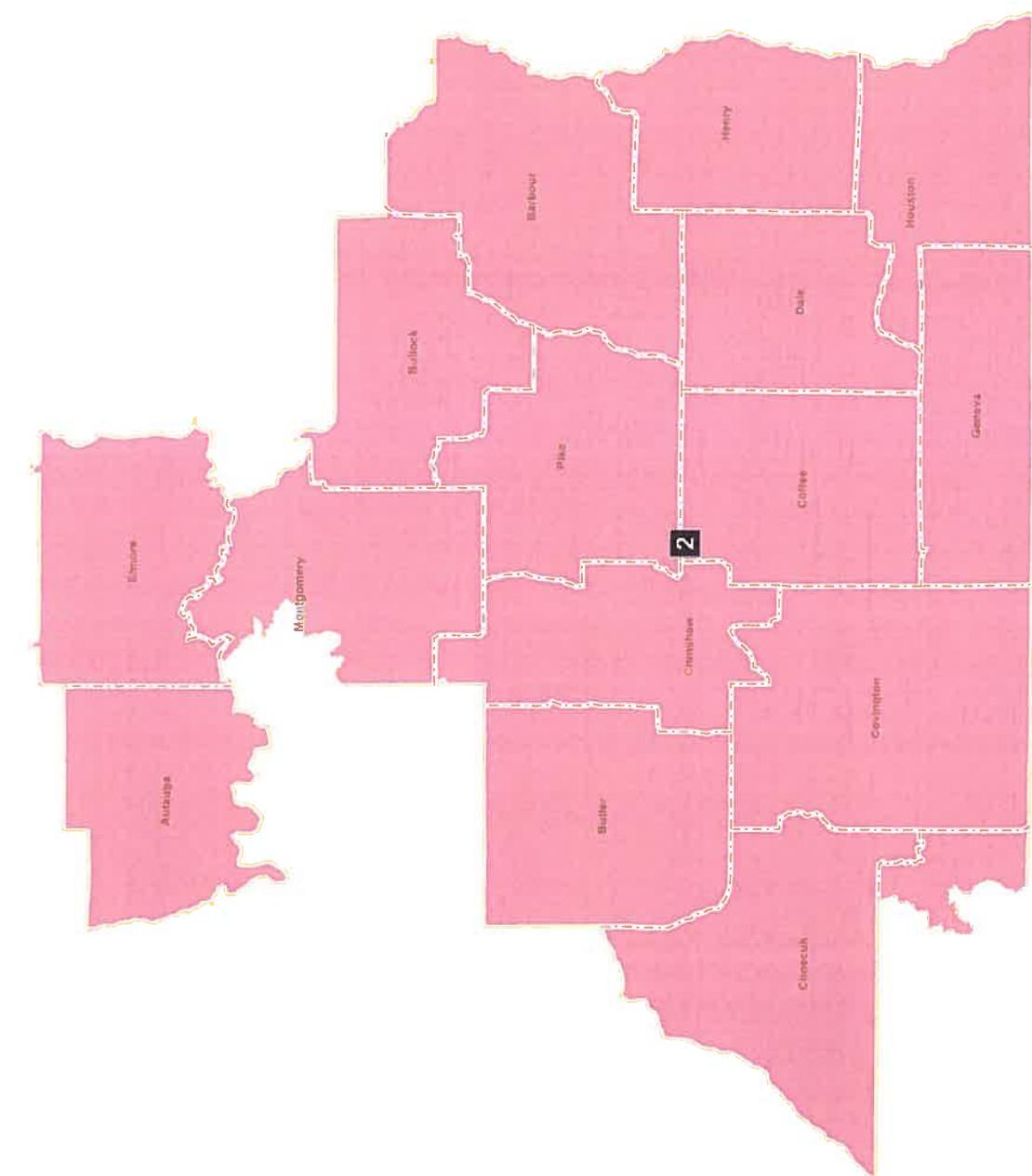
District: 1

Field	Value
District	1
Population	717754
Deviation	0
% Deviation	0%
White	461324
% White	64.27%
Black	186921
% Black	26.04%
18+_Pop	557535
% 18+_Pop	77.68%
18+_Wht	371902
% 18+_Wht	66.7%
18+_Blk	138128
% 18+_Blk	24.77%
18+_Ind	6381
% 18+_Ind	1.14%
18+_Asn	8395
% 18+_Asn	1.51%
18+_Hwn	290
% 18+_Hwn	0.05%
18+_Oth	7947
% 18+_Oth	1.43%
AP_Wht	496638
% AP_Wht	69.19%
AP_Blk	196827
% AP_Blk	27.42%
18+_AP_Wht	394684
% 18+_AP_Wht	70.79%
18+_AP_Blk	142777
% 18+_AP_Blk	25.61%

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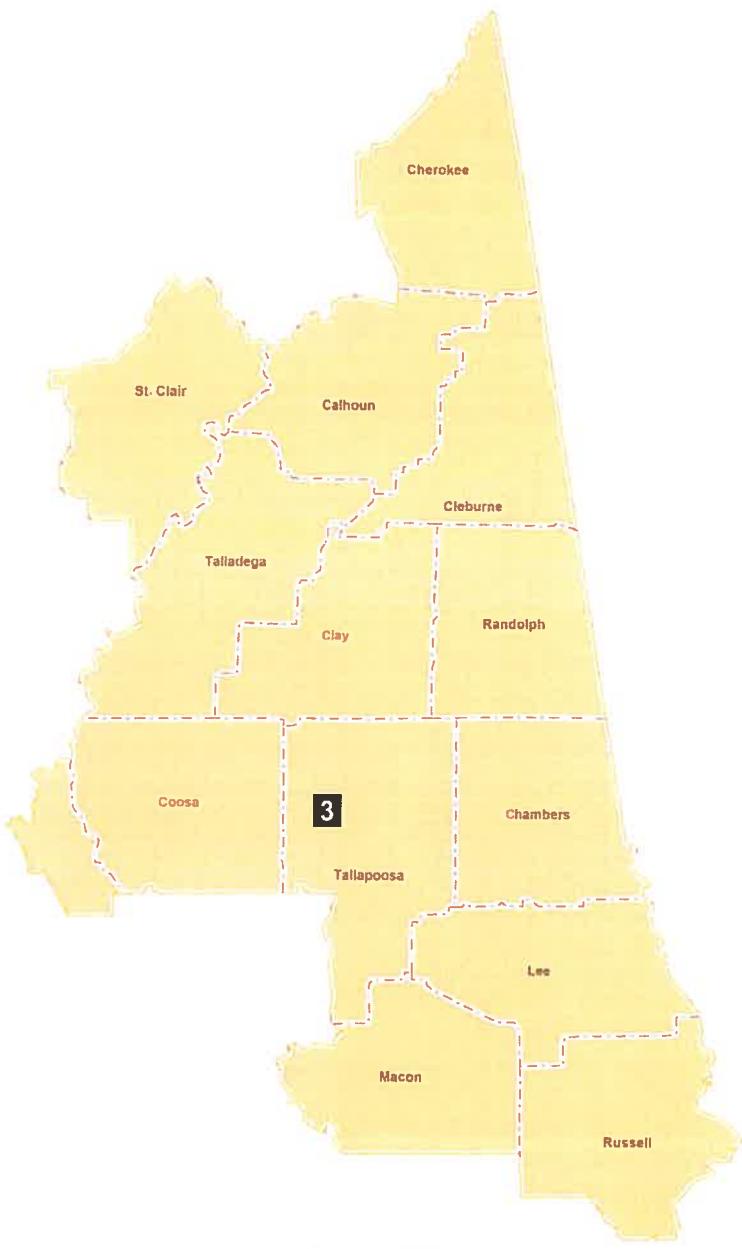
RC 000556

District: 2

Field	Value
District	2
Population	717755
Deviation	1
% Deviation	0%
White	433244
% White	60.36%
Black	217392
% Black	30.29%
18+_Pop	557677
% 18+_Pop	77.7%
18+_Wht	350279
% 18+_Wht	62.81%
18+_Blk	162714
% 18+_Blk	29.18%
18+_Ind	2628
% 18+_Ind	0.47%
18+_Ash	10399
% 18+_Ash	1.86%
18+_Hwn	307
% 18+_Hwn	0.06%
18+_Oth	9802
% 18+_Oth	1.76%
AP_Wht	464682
% AP_Wht	64.74%
AP_Blk	228648
% AP_Blk	31.86%
18+_AP_Wht	369833
% 18+_AP_Wht	66.32%
18+_AP_Blk	167971
% 18+_AP_Blk	30.12%

RC 000557

District: 3



Field	Value
District	3
Population	717754
Deviation	0
% Deviation	0%
White	479432
% White	66.8%
Black	176953
% Black	24.65%
18+_Pop	564281
% 18+_Pop	78.62%
18+_Wht	386048
% 18+_Wht	68.41%
18+_Blk	136382
% 18+_Blk	24.17%
18+_Ind	2048
% 18+_Ind	0.36%
18+_Asn	9869
% 18+_Asn	1.75%
18+_Hwn	340
% 18+_Hwn	0.06%
18+_Oth	8505
% 18+_Oth	1.51%
AP_Wht	509986
% AP_Wht	71.05%
AP_Blk	187284
% AP_Blk	26.09%
18+_AP_Wht	405482
% 18+_AP_Wht	71.86%
18+_AP_Blk	141011
% 18+_AP_Blk	24.99%

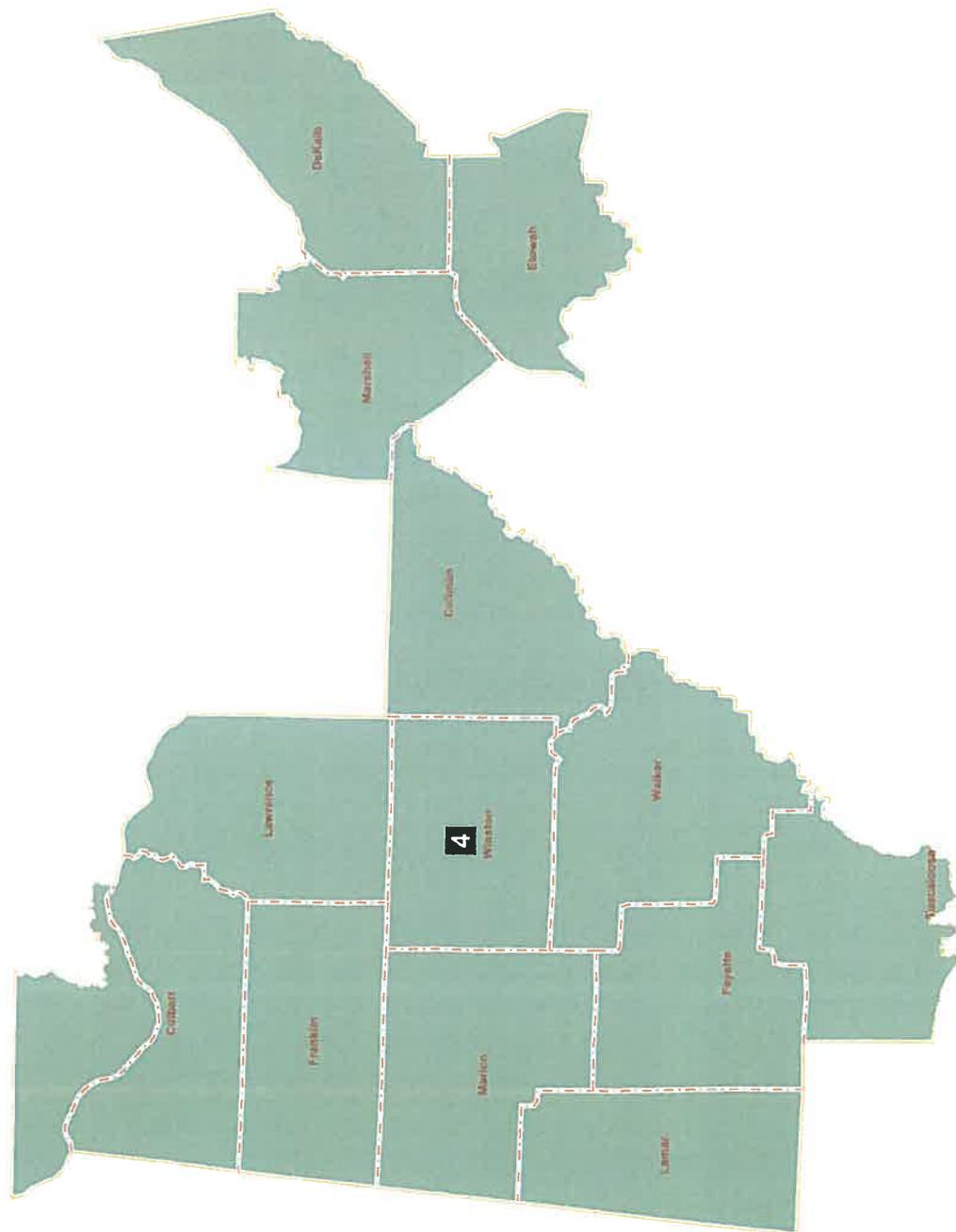
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RC 000558

Field	Value
District	4
Population	717754
Deviation	0
% Deviation	0%
White	582698
% White	81.18%
Black	51929
% Black	7.23%
18+ Pop	556133
% 18+ Pop	77.48%
18+ Wht	463433
% 18+ Wht	83.33%
18+ Blk	39834
% 18+ Blk	7.16%
18+ Ind	5475
% 18+ Ind	0.98%
18+ Asn	3427
% 18+ Asn	0.62%
18+ Hwn	245
% 18+ Hwn	0.04%
18+ Oth	18651
% 18+ Oth	3.35%
AP_Wht	619856
% AP_Wht	86.36%
AP_Blk	59655
% AP_Blk	8.31%
18+ AP_Wht	487498
% 18+ AP_Wht	87.66%
18+ AP_Blk	42819
% 18+ AP_Blk	7.7%

District: 4

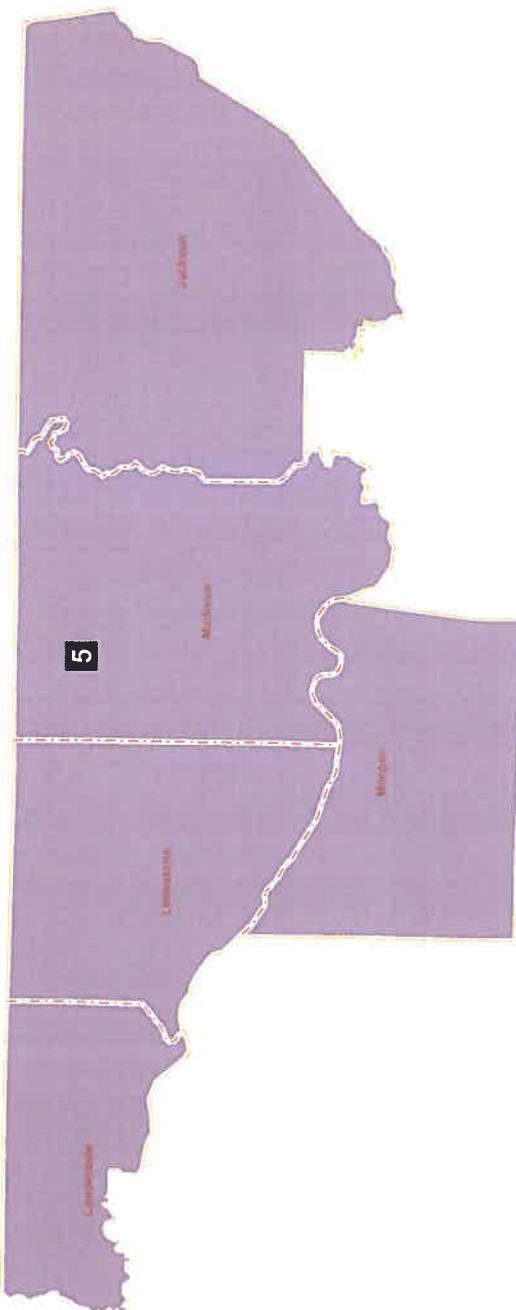
[2021 Alabama Congressional Plan]

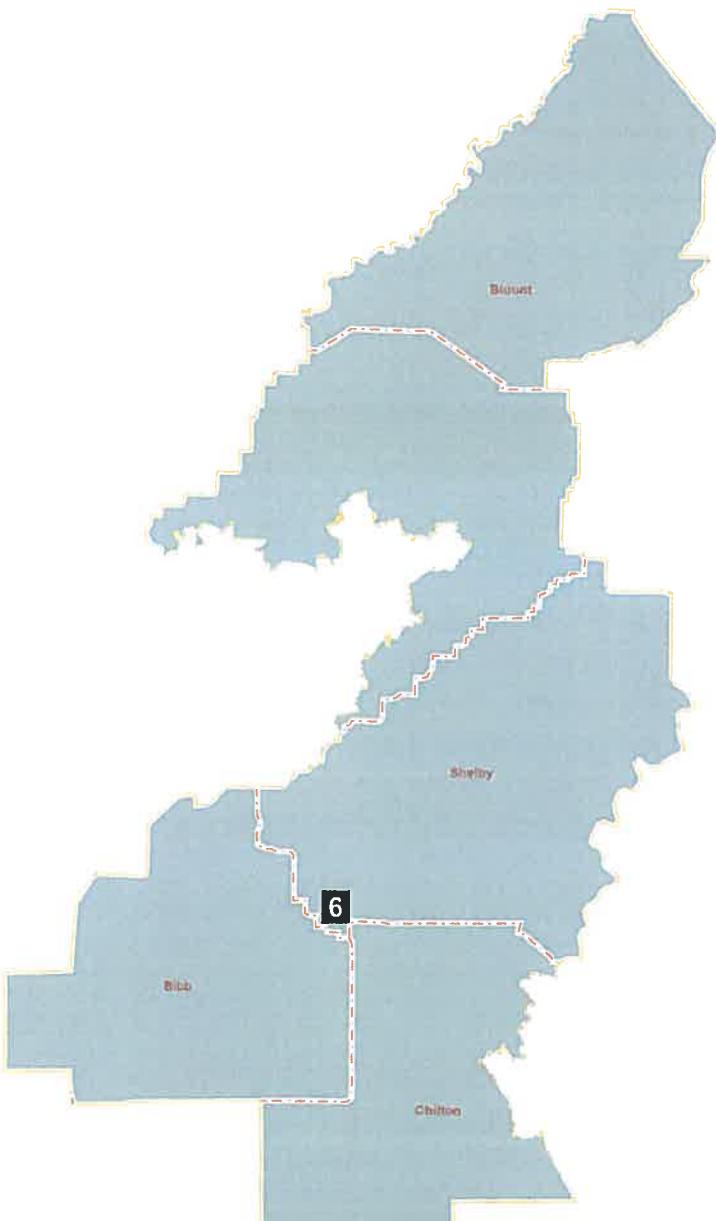


Field	Value
District	5
Population	717754
Deviation	0
% Deviation	0%
White	499707
% White	69.62%
Black	124642
% Black	17.37%
18+ Pop	561187
% 18+ Pop	78.19%
18+ Wht	403155
% 18+ Wht	71.84%
18+ Blk	95757
% 18+ Blk	17.06%
18+ Ind	4130
% 18+ Ind	0.74%
18+ Asn	10814
% 18+ Asn	1.93%
18+ Hwn	447
% 18+ Hwn	0.08%
18+ Oth	15080
% 18+ Oth	2.69%
AP_Wht	546339
% AP_Wht	76.12%
AP_Blk	136782
% AP_Blk	19.06%
18+ AP_Wht	432690
% 18+ AP_Wht	77.1%
18+ AP_Blk	101339
% 18+ AP_Blk	18.06%

District: 5

2021 Alabama Congressional Plan

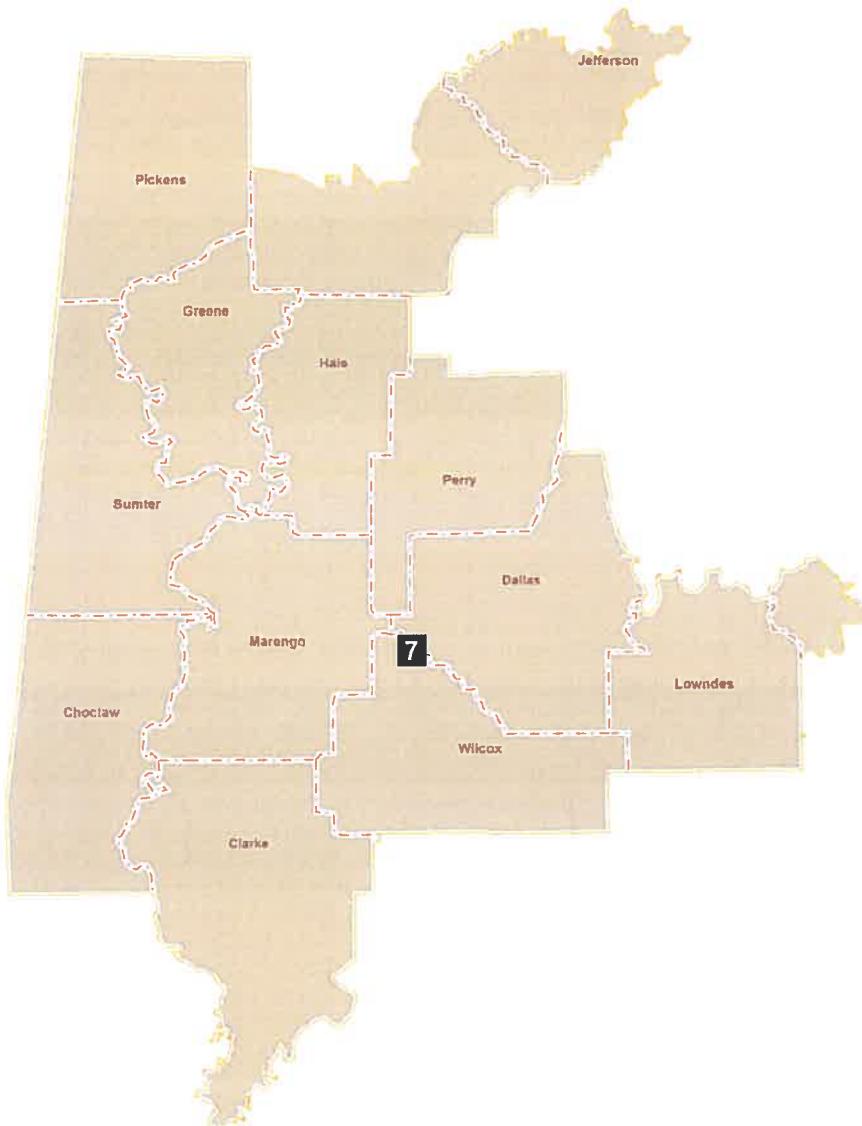


District: 6

Field	Value
District	6
Population	717754
Deviation	0
% Deviation	0%
White	498843
% White	69.5%
Black	138019
% Black	19.23%
18+_Pop	552286
% 18+_Pop	76.95%
18+_Wht	397498
% 18+_Wht	71.97%
18+_Blk	100878
% 18+_Blk	18.27%
18+_Ind	2183
% 18+_Ind	0.4%
18+_Asn	10568
% 18+_Asn	1.91%
18+_Hwn	254
% 18+_Hwn	0.05%
18+_Oth	16611
% 18+_Oth	3.01%
AP_Wht	534271
% AP_Wht	74.44%
AP_Blk	145897
% AP_Blk	20.33%
18+_AP_Wht	420311
% 18+_AP_Wht	76.1%
18+_AP_Blk	104551
% 18+_AP_Blk	18.93%

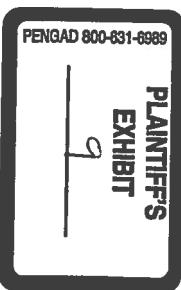
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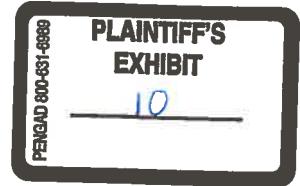
RC 000561

District: 7

Field	Value
District	7
Population	717754
Deviation	0
% Deviation	0%
White	265204
% White	36.95%
Black	400306
% Black	55.77%
18+_Pop	568067
% 18+_Pop	79.15%
18+_Wht	222731
% 18+_Wht	39.21%
18+_Blk	308030
% 18+_Blk	54.22%
18+_Ind	1707
% 18+_Ind	0.3%
18+_Asn	7036
% 18+_Asn	1.24%
18+_Hwn	232
% 18+_Hwn	0.04%
18+_Oth	10629
% 18+_Oth	1.87%
AP_Wht	287088
% AP_Wht	40%
AP_Blk	409643
% AP_Blk	57.07%
18+_AP_Wht	238100
% 18+_AP_Wht	41.91%
18+_AP_Blk	313904
% 18+_AP_Blk	55.26%

NAME OF PLAN	SPONSOR	BILL NUMBER	SUBSTITUTE	ALIS NUMBER	NOTES
PRINGLE CONGRESSIONAL PLAN 1	REP PRINGLE	HB1		215467-2	**PASSED THE LEGISLATURE AND RENAMED THE 2021 ALABAMA CONGRESSIONAL PLAN
COLEMAN CONGRESSIONAL PLAN 1	SEN COLEMAN		FLOOR	215457-1	**OFFERED TWICE **JOE REED PLAN
HOLMES CONGRESSIONAL PLAN 1	REP HOLMES		FLOOR	215458-2	**MOORE CONGRESSIONAL PLAN AND SAME AS BARFOOT CONGR PLAN 1
FAULKNER CONGRESSIONAL PLAN 2	REP FAULKNER		FLOOR	215500-1	
SINGLETON CONGRESSIONAL PLAN 1	SEN SMITHERMAN	SB10	FLOOR	215593-1	**LEAGUE OF WOMEN VOTER PLAN
SINGLETON CONGRESSIONAL PLAN 2	SEN SINGLETON		FLOOR	215483-1	**NARROW DEVIATION PLAN
SINGLETON CONGRESSIONAL PLAN 3	SEN SINGLETON		FLOOR	215489-1	**ZERO DEVIATION PLAN
HATCHER CONGRESSIONAL PLAN 1	SEN HATCHER		FLOOR	215601-1	
WAGGONER CONGRESSIONAL PLAN 3	SEN WAGGONER		FLOOR	215614-1	
BARFOOT CONGRESSIONAL PLAN 1	SEN BARFOOT		FLOOR	215598-1	**SAME AS MOORE AND HOLMES PLANS
WAGGONER CONGRESSIONAL PLAN 1	SEN WAGGONER		COMMITTEE	215560-1	**OFFERED IN F&T COMMITTEE NOV 2 same as Faulkner Plan





**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

2021 MAR 10 P 12:38
**THE STATE OF ALABAMA; ROBERT
ADERHOLT, Representative for Alabama's
4th Congressional District, in his official and
individual capacities; WILLIAM GREEN;
and CAMARAN WILLIAMS,**

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
COMMERCE; GINA RAIMONDO, in her
official capacity as Secretary of Commerce;
UNITED STATES BUREAU OF THE
CENSUS, an agency within the United States
Department of Commerce; and RON
JARMIN, in his official capacity as Acting
Director of the U.S. Census Bureau,**

Defendants.

CIVIL ACTION NO. 3:21-cv-211-RAH

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

**THREE-JUDGE COURT REQUESTED
PURSUANT TO 28 U.S.C. § 2284**

INTRODUCTION

1. This suit challenges two unlawful actions by the U.S. Commerce Department and Census Bureau in relation to the 2020 decennial census—(1) Defendants' decision to produce manipulated redistricting data to the States, and (2) Defendants' refusal to produce redistricting data on time.

2. First, the skewed numbers. Congress has ordered the Secretary of Commerce to work with the States to learn what they need for redistricting and then report to each State accurate “[t]abulations of population” for subparts of each State for purposes of “legislative apportionment or districting of such State.” 13 U.S.C. § 141(c). But the Secretary, through the Census Bureau, has announced that she will instead provide the States purposefully flawed population tabulations.

116. Even at the higher census geography of Alabama's Congressional districts, the November 2020 demonstration data indicated that the differential privacy algorithm skewed the data enough to create population deviation on a level that courts have found, in other contexts, to violate the Supreme Court's equal population jurisprudence.²⁷

Congressional District	2010 Actual Population	2010 Actual Population Deviation	Differential Privacy Population (Demonstration Data)	Differential Privacy Deviation (Demonstration Data)
1	682820	+1	682747	-73
2	682820	+1	682791	-29
3	682819	-1	682844	+25
4	682819	-1	682820	+1
5	682819	-1	682820	+1
6	682819	-1	682688	-131
7	682820	+1	683026	+206

117. Notably, the only reason that these errors are knowable is because the Census Bureau provided both the differential privacy data and the actual Census data.

118. Because the Bureau will *not* provide the actual data for the 2020 census, if the application of differential privacy to the 2020 census data is not stopped, these differences from reality will never be discernable from the official federal government data.

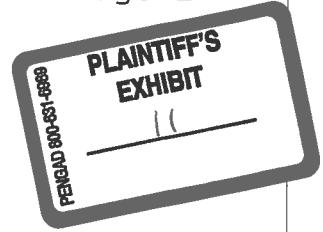
119. Nor will the Bureau simply be able to provide the true numbers (with the 2010 disclosure avoidance methods in place) at a later time if turns out that the differential privacy numbers cannot be used. Doing so would throw a wrench in the redistricting process, forcing States

²⁷ See, e.g., *Vieth v. Pennsylvania*, 195 F. Supp. 2d 672 (M.D. Pa. 2002) (three-judge court).

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Page 1

PERMANENT LEGISLATIVE COMMITTEE ON

REAPPORTIONMENT PUBLIC HEARINGS



NORTHEAST ALABAMA COMMUNITY COLLEGE

REDISTRICTING PUBLIC HEARING

September 1, 2021

REPORTED BY:

Jan A. Mann, CSR

Veritext Legal Solutions

260 North Joachim Street

Mobile, Alabama 36603

Veritext Legal Solutions

877-373-3660

800.808.4958

Page 12

1 MR. MCGRIFF: Hi. Good afternoon. My
2 name is Toni McGriff and I live in Dutton which is
3 Senate District 8 and House District 23 but my question
4 is about the congressional District Number 4.

5 Most of Jackson County, practically all
6 of Jackson County is in congressional District 5 but
7 there is a tiny little sliver of southern Jackson County
8 that's in 4. And I understand about trying to get
9 everything equalized in terms of population but the very
10 few people who live there very frequently think they're
11 in District 5 and do not know who to vote for.

12 And I would ask that you consider that
13 when you are redistricting so that you don't have that
14 tiny little sliver out of the county. It's in a section
15 called Macedonia. Senator Livingston would know where
16 I'm talking about I'm sure.

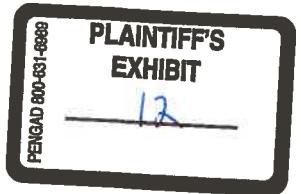
17 HEARING OFFICER: Thank you. Thank you.
18 That's very helpful. Anything else?

19 MS. MCGRIFF: I don't think so. Not at
20 this time.

21 HEARING OFFICER: Thank you very much.
22 Very helpful.

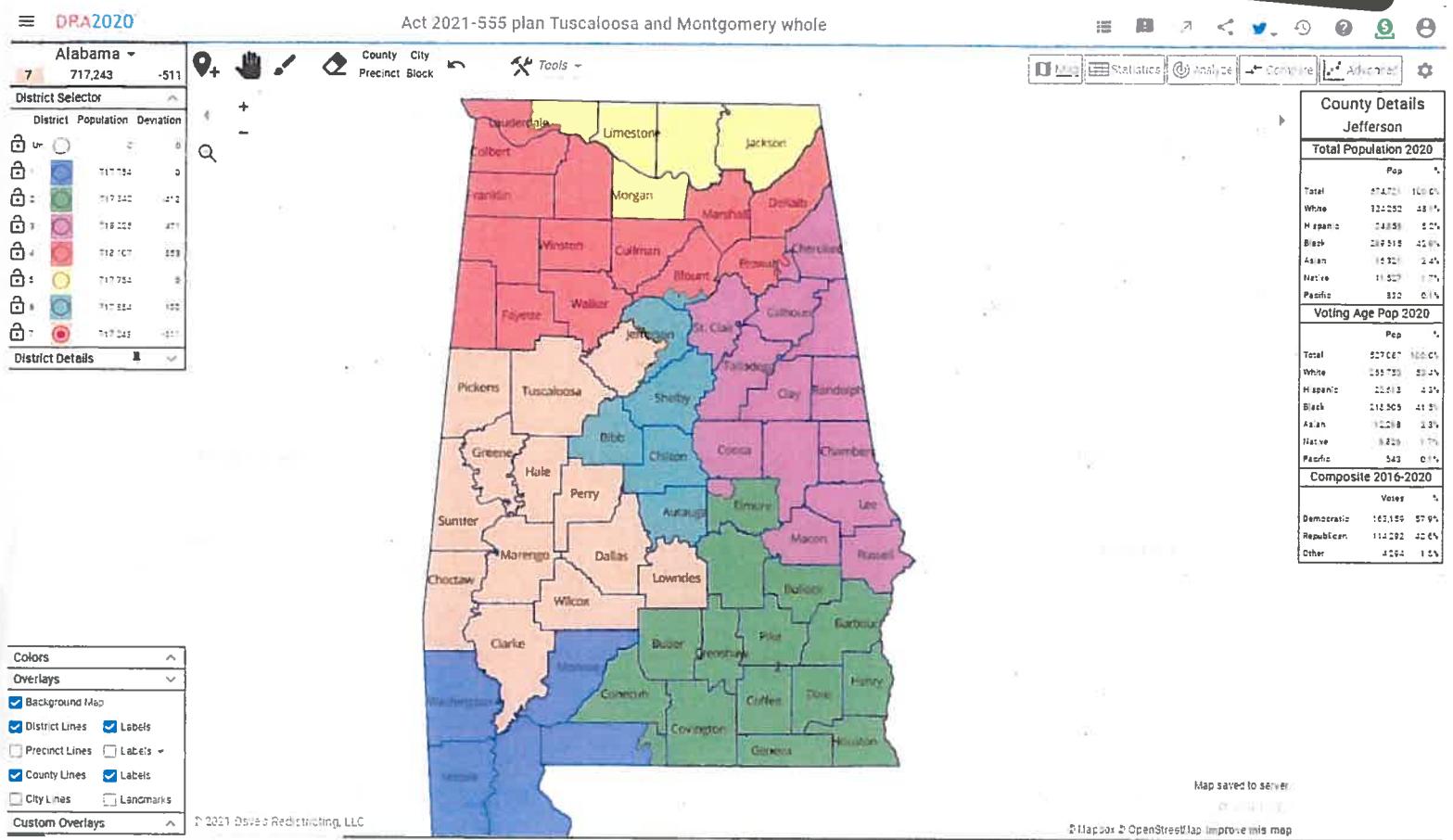
23 MS. MCGRIFF: Thank you.

24 HEARING OFFICER: Is there anyone else
25 that would like to speak? Okay. Senator Livingston has



Whole County Plan Figure 9







DRA2020

Act 2021-555 plan Tuscaloosa and Montgomery whole

[Map](#) [Shapes](#) [Analyses](#) [Compare](#) [Advanced](#)

ID	Population		Shapes	Partisan Lean			Demographics (VAP)					DOWNLOAD		
	Total	+/-		Dem	Rep	Oth	Total	White	Minority	Hispanic	Black	Asian	Native	Pacific
Un	0			0.00%	0.00%	0.00%	0	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
1	717,754	0.00%	✓	✓	38.53%	60.22%	1.25%	557,535	66.00%	34.00%	3.23%	25.61%	1.85%	3.11%
2	717,342	-0.05%	✓	✓	42.11%	56.80%	1.09%	558,875	56.97%	43.03%	3.59%	35.45%	2.21%	1.98%
3	718,225	0.07%	✓	✓	35.06%	63.85%	1.10%	564,742	67.86%	32.14%	3.03%	24.89%	2.09%	2.12%
4	718,107	0.05%	✓	✓	21.52%	77.22%	1.25%	556,904	72.42%	27.58%	6.01%	7.34%	0.74%	3.57%
5	717,754	0.00%	✓	✓	37.76%	60.35%	1.88%	561,187	70.09%	29.11%	5.28%	18.06%	2.53%	3.27%
6	717,854	0.01%	✓	✓	36.70%	61.60%	1.70%	551,695	70.68%	29.32%	5.01%	19.72%	2.40%	2.11%
7	717,243	-0.07%	✓	✓	62.77%	36.25%	0.98%	566,228	43.84%	56.16%	3.68%	49.79%	1.58%	1.40%
	717,754	0.14%	✓	✓	39.47%	59.20%	1.33%	559,595	65.47%	34.53%	4.26%	25.90%	1.91%	2.50%
														0.12%

Notes

- The 0.14% population deviation is within the 0.75% threshold tolerated by the courts.
- Six districts lean Republican, one leans Democratic, and none fall in the 45–55% competitive range.
- There is one majority-minority district.